D-1962

NOTES

MYSORE GOVERNMENT SECRETARIAT

File No. PWD 17 GWK 65

Department of PW

Section General / Irrigation

Subject: Submerged area ~~20-2-65~~ ~~24-2-65~~ ~~26-2-65~~ development activity

References:

PWD 151 GWC 78

Date	To whom sent	Notes and instructions
	Irrigation 14/8/65 24/8/65	

Pages 39
Correspondences pages 23
C/s Class "B"
For/Not for Section Note Book
To be destroyed after

Under Secretary

27/11

Note Continuation Sheet

Subject: Developmental activities in Sub-merged areas Resolution no 13 of D.D.C. Bijapur Meeting on 24-6-65

File No. P.W.D. 17 GUK 65

Reference and markings	Notes and Orders	Para Number
PWD 2536/59	U.O. No 6 no DPC 17 IDC 65 dtd 7-8-65 from the ADC DPC Bijapur on the subject cited.	
	The proceedings of the General meeting of the D.D.C. Bijapur held on 24-6-1965 that Developmental activities cannot be taken due to submersion of the areas.	(1)
	In the connection a copy an extract of Resolution no 13. may be sent to CE (PD) for his remarks.	(2)
	A draft is also put up for approval.	(3)
	11/8/65 12-8-65	
	Issued Dated 19/8/65	
PWD. 4123/59/65	L. No. UKP/Misc/10/KH1/3112-13 dt. 4-12-65 from the CE (PD) on the subject	
	The CE (PD) that the above Problem has already been discussed in the 18th meeting	(5)

Stitching space

Note Continuation Sheet

Subject..... File No.... .....

WD 01489)—7P B—3,00,000—5-12-64

Reference and markings	Notes and Orders	Para Number
	of the Mahi Working Group Vide item No. IV of Trugabhadra Project held on 23.9.64. wherein it was resolved that the existing bans should not be relaxed for the reason that such Devpl activities would increase the value of the lands resulting in erosion exposing the good soils to the acquiring.	
	For perusal & orders.	6
	If approved the DPC Deptt will be given a reply as in the lines of the letter received from the E.E (I.P) Case 13 of R	7.
		8.
	Draft put up for approval	10
	Issued	
	Action is Completed if approved the this will be closed and filed as D.	

Stitching space

PWD 5 IMB66 3 81

FOOD
MINISTER FOR ~~FINANCE~~

MINUTE

FMR 10/65

Dated 30.-12-1965.
4-1-1966

Some of the representatives of Gokak taluk explained to me during my recent visit to the place that it is necessary to take up minor irrigation works coming under the Project area though they are likely to be submerged when Hidkal dam is completed. They promised to take full advantage of these schemes by growing foodgrains with the help of fertilizers and mechanised cultivation before they are submerged.

The Secretary, P.W.D. may examine the feasibility of implementing these schemes with a view to step up food production.

(B.D.Jatti)
Minister for Food

The Secretary,
P.W.D.)

MYSORE GOVT. SEC. 12 ID 18 JAN 19 P.W.D. GENERAL IRRIGATION

ISSUED Dated 31/1/66

4

10 41 P66

PWD 5 IT 1366

Rc. No 1109 – P3c/F

22) The C.E's letter at page 1 of c/F is for perusal. W.r.t. to para 1 of n/F.

23) The C.E's previous reference dt 20-1-66 referred to in ~~his letter~~ dt ~~---~~ para 1 of his letter under reference has been transferred to G.I. Section on 28-1-66. (Vide D. No. 381/66/-).

24) These papers may also be marked to G.I. Section for further action.

Sd/-
28-2-66.

G.I. Section) Sd/-
1/3/66

PWD 184/IT(A)66

The ~~Draft~~ Pet. up at ~~page~~ page, ~~The~~ may please be approved.

KSR
1.3.66

Sd/-
14/3.

L. No. IPH/47/IGN/H/62-63 dt. 7-3-66.
from the CE (Sel).

PWD 790/99/66.

23) ~~to~~ The CE forwards a Copy of his U.O. of even no dt. 14-1-64 as desired in the office. Appeal page 6/CF.

24) ~~44~~ The CE states that minor Irrigation Schemes coming under

Note Continuation Sheet

Subject Relaxation of bars on minor diameters. File No PWD/D.G.9966

WD 014899—GPB—8,00,000—11-8-65

Reference and markings	Notes and Orders	Para Numbers
PWD17GUK65	The Command of Major & Medium Irrigation Schemes and Research to issue orders. For orders whether the suggestion made in the C.E.'s Letter may be approved. PW 15/2. I believe there is another case on this subject. Please see what happened to it. In this case a note to cancel has been put up. Please check up and put up. CEO 24.3.66. We may await the decision on the file now PWD 17GUK65 submitted to DIS on. PW 15-2-66. 6/6/66 For perusal. CEO D.S. 6.6.66. 8/8/66.	13 (26 (14(2)

Stitching space

Note Continuation Sheet

Subject ..Developmental activities.. File No. PLD 17 GM 1665

Bijapur Dist

WD 014899—GPB —8,00,000—5-12-64

Reference and markings	Notes and Orders.	Para Numbers
PLD 59/WD 19/66	2. No ADM Devpt 65 & 66 Dt. Dt. 24th Dec 1965 addressed to the Minister for Agriculture & Irrigation.	
	The Representation states that Developmental Works like irrigation wells. Drinking Water wells and minor Irrigation works are being effected due to issue of notification.	(18)
	The Representation requests to consider the following.	(19)
	1) The area actually coming under submergence in each village should be considered.	
	2) Survey to be taken up to show the area lying below RL 1700.	
	3) Dist. Devpt. Council has moved Govt. to waive the said notification, till it is not effected.	
	4) Refusal of Representations leads to fear in respect of Grant of Tenancy Villages etc.	
	Finally requests to direct the restrictions in the notifications and to allow to grant NOC for Construction of Irrigation Wells etc... in the areas to be submerged.	(20)
TM 27/1		

Stitching space

Note Continuation Sheet

Subject ..... File No

Reference and Workings	Notes and Orders.	Para Number
	The executive Engineer upper Krishna Project notified to all the depts that 86 villages as listed in his notification at page 18 c/p are likely to come under submergence in upper Krishna project. Hence developmental activities of permanent character should not be taken up these villages. The President Taluk Board Bilgi has represented to Govt that the restriction imposed in the aforesaid notification may be waived as the construction of the project would take considerable time extending upto 20 years etc.	5/6.
	Similar proposal was received from the Dpc Dept at the instance of the Dist development Council Bijapur. The same	(7)

Stitching space

Note Continuation Sheet

Subject ..... File No.....

WD 014899—GPB -8,00,000—5-12-64

Reference and markings	Notes and Orders.	Para Numbers

was referred to Chief Engineer Irrigation Projects. His report may please be seen at page 13 c/p wherein he had stated that the matter was discussed in the 18th meeting of the State working Group and it was resolved that the ban on developmental activities of permanent character in the submerging areas should not be relaxed for the reason that such activities would increase the value of the land resulting in extra expenditure also to Govt. while acquiring.

The action taken by the Executive Engineer at P.K.P. seems to be in the light of the circular memorandum no PWD 34 MGL 59 dt 19.8.59. Flag 'F'.

Submitted to orders.

(1380)

PWD 67 LBW 64 "C" Sent Recd 1.6.11

29/8 pl put up with the Proceedings of the State working group meeting held on 23-9-66.

29/9/66

Stitching space

12

Note Continuation Sheet

Subject .....

File No. PWD 175 G.W.K.B.

Reference and workings	Notes and Orders.	Para Numbers
	With reference to para 19/NF Pleader flag 'A' in the file No PWD 67 LDW 64 Placed below.	20
PM 28/1	The particular item in the proceedings has been underlined at flag 'A' and submitted herewith, with reference to orders at page 19 ante. CG 28/1/66	21. 22
	37 32) The letter dated 24.12.65 (vide page 16 & 17) of the case file addressed to the Hon.Minister for Agriculture by Sri V.S.Patil, President, Taluk Development Board, Biligi, may please be perused. The representation deals with Notification dated 4-3-65 (vide page 18) of the case file issued by the Executive Engineer, No.1 Division, Almati, Upper Krishna Project, regarding submersion of certain villages under the Almati Reservoir which is ~~now~~ under construction at present and request to consider whether such a ban for taking up of Development works in respect of these villages is really necessary at this stage when the completion of the project is expected to take a long period.	
	38 33) The matter has been discussed in the chambers of the Chief Minister by the Minister, P.W.D. on 27-1-1966. It has been opined that a general ban as issued in Govt. Circular	

Stitching space

Continuation Sheet

Subject..... File No.....

Reference and markings	Notes and Orders	Para Numbers

No.PWD.34MGL-59 dated 19-8-1959 (vide page 19) of the case file cannot be applied without consideration of the time lagged and it is quite possible within the period that the villages come under submersion, The benefits of the development could might have been derived without any financial loss to Government. Hence it was opined that it would be desirable to modify the order so as to facilitate taking up development works considering the possibility of deriving the benefit of the proposed development work within a time the particular village comes under submersion.

24) 21) In view of the above the Circular dated 19-8-1959 (vide page 19) of the case file may have to be suitably modified.

31.1.66

(M.Channappa)
Deputy Secretary to Govt.
P.W.D.(Irrigation)

SECY.PW&L.DEPT.
MIN. P.W.& POWER
CHIEF MINISTER.

SECRETARY TO GOVERNMENT
No PWL 475
Dt 1-FEB 1966
PUBLIC WORKS & ELEC. DEPT.

24) 25) Kindly see the notes in paras 22 to 24 ante.

In the circular Memorandum dated 19-8-59 (page 19 C.F.) it has been directed that the works involving creation of capital assets should not be taken up in the areas likely to be submerged by the execution of major irrigation projects. We have taken up a

12

Note Continuation Sheet

Subject Development Activities in Submerged File No.....
areas Resolution No 13 of District Development Council Bijapur

WD 014899—GPB—8,00,000—17-8-65

References and markings	Notes and Orders	Para Number

large number of major irrigation projects. The funds being meagre year after year it has not been possible to complete them according to schedule, with the result that minor irrigation works which should have been completed in a short period and started yielding results could not be taken up in the areas coming under submersion in the proposed projects. Consequently these areas have been denied the benefits of quick yielding minor irrigation projects. This position is likely to continue for a number of years to come. Therefore it may not be just to continue the effect of the Circular Memorandum referred to above. The Minor Irrigation projects which could be completed within a course of a year and whose benefits could be realised within the course of 5 years, during which time the Major Irrigation projects are not likely to be completed may perhaps be allowed in the submersible areas of the proposed Major Irrigation Projects. If agreed the Circular Memorandum mentioned above willbe suitably modified.

(A)

Pass 475

Chandappa 2/2/66

CHANDAPPA PATEL
Secy, P. W. D. Elecy. Dept.

Minister for P.W.D.

Chief Minister.

238 3 FEB 1966 BANGALORE

OFFICE OF THE MINISTER No 487 4 FEB 1966 BANGALORE

V. Patil 3/2

(VEERENDRA PATIL),
Minister for Public [illegible]

2/2/66

Secy (PWD) 7/2

Shading areas

PWD 17 GUK 65.

42) 37) A draft circular Memorandum put up for approval.

43) 38) The collection leading to the issue of the Circular memorandum no PWD 34 Mgt 59 dt 19.8.59 is submitted herewith. The huge developmental activities in the Submergible areas of major Projects was placed under the orders of the Council of ministers. The subject seems to have been taken to the Council by the planning & development dept. (PHS dept proposal). It seems advisable to take the case to Council of ministers while relaxing the ban, since it involves a departure from the policy laid down by the Council of ministers.

^ Flag 'g'

44) 39) A draft Council note/order is submitted for consideration (pages 21 and 20 c/f)

CS
14.2.66. Seen P.WD
Minn P.WD

CM 15/2/66
M. CHATTERJEA
Secy. to Govt. P.W.D. (Irrig.)

45) 40) put hearing for Today.

CS 17/2

DS(1) Discussed. Secretary desired to know

46) 41) the background that led to the issuing a circular

14

after Considering the matter in the Cabinet.

20/2/61

47) The matter has been further discussed with the Secretary. He desired that only such of the Minor Irrigation works referred in para 1 Sidelined in para 4 Can be taken up without in any way lifting the ban. C.E.(CH) to be addressed on the matter further referring to the Previous circular orders put up a draft.

8/8/66.

JOINT SECRETARY TO GOVT. A.S 807 18 OCT 1966 P.W.D. DEPARTMENT

A Draft put-up for approval.

17/10

12/8 CE 17.8.66 17

DS TS dee. 20/8

Typed copy as corrected pl. 20/8

Typed copy put up 20/8.

16/10/66.

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrn.)

DS (P)

pl 9/Leave

M. C. ANVIN,
Jt. Secy., P.W. & Elec. Dept.

49) Discussed with the Dy Secretary. This proposed amendment to the Go of 1959 regarding the development works coming under submergence of major Irrigation reservoirs. There is an order imposing ban on the minor and medium irrigation in the proposed achakat areas of the major projects. This order has to be kept in abeyance for examination of the entire

26/10 26/10 27/10

15

Continuation Sheet

Subject Development activities — Bijapur Dist

File No PPR 12 GUK 65.

WD 014899—GPB—8,00,000—11-8-66

Reference and markings	Notes and Orders	Para Numbers

Please see "flag V" in PWD 187 GIB 59 Placed below) SO.

27/10 FM

~~These are no circulars as referred to~~ in the endorsement

A copy of the Gr no PWD 131 GIG 63 dt 17-8-63 is submitted herewith vide para 40 C/F. It is perhaps the same to which the Js has made a reference in para 49 of my F. Barring this letter there is no Govt order or circular so far as the knowledge of Gs Section goes. SI.

Gs notes. Ds / Js

29/10

u.s.

29.10.66.

Stitching space

52) With reference to para 49 C.F. Govt. letter No. PWD 131 GIG 63 dated 17-8-63 a copy of which placed at page 40 C.F. may please be perused, wherein it is stated it is desirable not to take up the construction of any new tanks in the command area of Major projects. The order referred to in para 49 ~~xxxxxx~~ by the Joint Secretary may perhaps be the same one at page 40 C.F.

53) Considering the above the issue now broadly comes under two Heads:-

(i) Taking up development works ~~in the areas~~ such as construction of tanks, roads and other works in the areas which are likely to come under submersion of Major projects;

16

Note Continuation Sheet

Subject..... File No.....

Reference and markings	Notes and Orders	Para Numbers

(ii) taking up of Minor Irrigation works in the commanded area of the Major projects.

54) In respect of Development works in the areas likely to be submerged it is a matter which requires detailed examination since such works will not be of any use once the area comes under submersion. Whereas in respect of the works in the commanded area they may be still useful even after construction of a Major Project in the higher reaches. Such being the case in respect of development works to be taken up in the areas likely to be submerged the issue of the proposed Govt. letter (vide page 39 C.F.) in pursuance of paras 40-46 may perhaps be considered.

5/1/66

(M.CHANNAPPA)
DEPUTY SECRETARY TO GOVT.
P.W.D.(I)

JT.SECY.P.W&E.
SECY.P.W&E.

Pl discuss.

6/1

6/1/66.

Discussed with the D/S. In view of what is stated in paras 52 to 54 it may kindly be seen whether the orders proposed to be issued (page 39 C.F.) be reconsidered

55

SECRETARY, PWD)

56

JOINT SECRETARY TO GOVT. No 86 6 JAN 1967 PUBLIC WORKS DEPARTMENT

Stitching space

Secy. PWD. 3/3. No 783. Done

PWS.

M. G. S.

Subject: Relaxation of Ban on Minor Irrigation Schemes. File No. 17 Comp GS -

WD 01050—GPB—8,00,000 13-12-65

57

Discussed. The Secy desired to know the delay caused in issuing Govt orders as per observations in para 40 and 41.

58

Detailed comprehensive note for reconsideration of the orders issued in para 40 and 41 may be put up early.

DS (P)

20/3

21/3/67

(59) In Circular Memorandum No.PWD 187 GIB 59 dated 25-8-1959 (Vide Flag-V) instructions were issued that no development works of a permanent character such as roads, buildings, wells, etc., should be undertaken in areas which are likely to be affected by the construction of Projects, without the express previous sanction of Govt. In modifications of these instructions, in Circular Memorandum dated 19-8-1959, it was directed that once any Major Irrigation works is administratively approved, the Chief Engineer should intimate all Departments concerned asking them not to take up works involving creation of capital assets in areas likely to be submerged by the execution of Reservoirs, Anicuts, etc., In Govt. Letter No.PWD 131 GIG 63 dated 17-8-1963, the Chief Engineer (General) was intimated that it is advisable not to take up the construction of any new tanks in the command of Major Projects. However, repairs to the existing tanks coming under the command of Major Projects may be taken up, if they are found feasible. But of late representations are being made to Govt. requesting to relax the conditions indicated in the above Circulars and allowing the Minor Irrigation works to be taken up in the scarcity areas. A number of Major Irrigation Projects have been taken up for construction

p.t.o.

in the State. But on account of paucity of funds, it has not been possible to complete them according to Schedule, This position is likely to continue for a number of years to come. Minor Irrigation works are of a nature which can be completed early and their benefits also realised very quickly. Due to the ban imposed on taking up capital works in the submergence zone of major projects, it has not been possible to sanction any minor irrigation works. Since the construction of a major project is a long drawn out process, it is considered desirable that the Minor Irrigation Projects which could be completed within a course of a year and whose benefits could be realised within the course of five years during which time the major irrigation projects are not likely to be completed may perhaps be allowed in the submersible areas of the proposed major irrigation projects.

Ref paras 58-59 N.F.

D 1/4/67 DS 3457

DS)
Jt Secy P.WD)

6/4/67

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

Jt. Secy. P.W.D.
No 2352 Date 7/4

60 Pl discuss urgently

7/4

Mr. G. S. | Subject: | File No.

IWD 01050—GPB—8,00,000 13-12-65

PWD 872 I.D/4167

Letter dated 28.3.67 from Sri B.T. Nunnal, M.L.A. Bagalkot.

61 The letter from Sri B.T. Nunnal, M.L.A. Bagalkot is for his personal. The request is to allow Developmental works under 1% in the areas covered by the Main Irrigation Projects in relaxation of instructions already issued in this behalf. This case has been examined in the PWD & the note by which has been submitted to Secy PWD on 7.4.67. The return of the file with orders may be awaited.

17/4/67 CE C.S
17.4.67 62) [illegible]

Letter dated 6.4.67 from Sri B.T. Nunnal, M.L.A.

63) Submitted w.r.to para 2 above. The letter dated 6.4.67 from Sri B.T. Nunnal, M.L.A and the minute of CE and the Secy PWD thereon may kindly be perused. As per Orders draft letter to the CE, P.I.P is put up for [illegible] Consideration & Orders.

18/4/67 CE C.S.
18.4.67 64) [illegible]

DS

65) Shree pantulu

19/4/67

19/4/67

M. G. S.

Subject: DEVELOPMENT ACTIVI IES IN BAGALKOT AREA.

File No. DHpl 362(18)prog6)

WD 01050—GPB—8,00,000 13-12-65

(66) 1. Placed below are two letters from Sri.B.T. Murnal, M.L.A., Bagalkot, addressed to the Minister for Development, Cooperation and P.Raj.

(67) 2. It is learnt unofficially from the Public Works Department that they are aware of the difficulties being faced by the cultivators in the affected areas and are seriously considering how best the difficulties would be obviated or minimised.

(68) 3. The Minister has desired the Secretary to Government D.H.P.C. Department, to discuss the same at a very early date. The Public Works Department is therefore requested to indicate the present position in the matter before it is discussed with the Minister for Development who is very keen that this should be resolved and the cultivators enabled to play their part in the developmental activities.

DHPC. Prog. A No.362(18) Date 27/4/67

26/4
P. G. PURANIK
Under Secy, D.P.C. Deptt. (Programme)

Dy.Development Commissioner.

Dy.Secy, P.W.D.(Irrigation).

DOC. DHPC No.1734 Date 27/4

Prog 333/DHPC/67 (69) 4) After perusal of Secy, the Papers will be sent to P.W.D. for intimating the stage.

2145 29/4

Secy

R. BHARANIAH
Secy. to Govt., & Jt. Dev. Commnr.
D.H.P.C. & C. Depts.

29/4/67

D.S.(P.W.D.)

GS Section 29/4/67

Section Officer 29.4.67

(20) The Question of allowing Development activities in the areas under Irrigation [redacted] proposals

pos

22

Subject: *File No.* PWD 17 HUK 67 *M. G.*

in relaxation of executive instructions already issued, is under consideration of this Dept in file. No PWD 17 HUK 67 which has been submitted to Jt. Secy PWD on 7.4.67. PWD 333 HUK 67
This file may be returned to D.P.C with the above information.

3/5/67 4-> 3.5.67 DS/Dte) 4/5

6. The letter of Sri B.T.Murnal,MLA., dated 6.4.67 (71)
addressed to the Chief Minister may please be seen at page 60
of the case file, a copy of which has also been endorsed
to the Hon.Minister for Co-operation & Panchayati Raj
(vide page 63 C.F.). Chief Minister has kindly minuted
as follows:-

"Let me discuss this with Chief Engineer(IP)
early".

Sd. S.N.
16/4/67.

Chief Engineer (IP) has accordingly been informed in
Govt. letter dated 19.4.67 (vide page 62 C.F.).

7.The noting of the ~~Private~~ P.S. to Chief Minister (72)
on a similar representation addressed to the Chief
Minister dated 6.4.67 (vide page 67 C.F.) is as follows:-

Jt. Secy. PWD.
No 4391 Dated 24/6

"Discussed with Chief Engineer (Irrigation) may
be sent to P.W.D. for filing. No action for the
present.

Sd.S.N.
P.S. to C.M.

8. In view of the above the file may be kept in Sus (73)
for the time being.

23/6/67
(M.Channappa)
Dy.Secretary, PWD(I)

JT.SECY.PW&I.

26/6/67

M. G. S. | Subject: | 23 | File No. P WD 12 Hukbs

WD 01050—GPB—8,00,000 13-12-65

(74) The file will be kept in Sus C. in view of para 73 MP.

27/6/67 GP 27.6.67 MS.

27/6

25

M. G. S.

Subject: Allowing Developmental activities in 48 villages of Srikakulam Dist

File No. RDF 5 0 TKM 67

HWD 01050—GPB—8,00,000 13-12-65

No 1712/Gl67

75

The letter of the Divisional Commr., Belgaum at P 9 C.F and para 7 N.P of R.D file may kindly be perused. The matter relating to allowing developmental works in the areas which are likely to be submerged under Major and Medium Irrigation projects has been examined in file No PWD 17 HMK 65 which has been referred to D.P.C on 1-7-67. Hence the D.P.C may be requested to return the file early to process this case further.

The file no PWD 17 HMK 65 dated. 1-7-67, has not been received in Programme 'B' Section, this may kindly be returned to General Tappal Section

7/7/67 60 4-5 (12.9.67 DPC)

Dy 18/7

Under Secretary

76

20/7 Prog B. Registration No. for immediate verification & disposal pl.

Sri PSVK 20/7

19/7

77) The pwd file referred to above has been referred to prog 'A'.

21/7

S.O. (A).

Extract of orders of the Minister for Development and Cooperation and the Chief Minister at paras 6 and 7 from the file No. DHPC. 21 DIR. 67.

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6. This upper Krishna Project will take nearly about ten, fifteen years or more though the sanctioned amount is provided. It would be advisable to permit these villages who come under submergence. These

21 JUL 1967 DEPT (TAPAL)

78

21 JUL 1967 DEPT (TAPAL)

79.

These villages are deprived of these small developmental activities such as irrigation wells, schools of temporary nature and Roads and as such these villages are put to so much inconvenience and they have become discouraged and disappointed. I have toured these parts number of times and they have lost interest in developmental activities . They may be permitted so as to take interest in these things. I am sure that if permitted the amount spent will not be wasted and moreover the benefits accrue to the people will be more than the investments. So, I request the Chief Minister to permit these villages to take up these developmental activities so as to infuse life in these villages. Moreover, there is so much of persistent demands for this permission and there is perfect agreement on the part of villagers and they are renewing this demand whenever dignitaries visit this part of the State. I may be called for the discussion and it is no use taking unrealistic view . The file may be sent to Chief Minister to reconsider and to permit these villages to have developmental activities. This may be discussed with Chief Engineer(Irrigation) and others concerned.

Sd/- P.M. NADGOUDA, 13.7.67
Min. for Dev. & Coopn Deptt.

Chief Minister

~~Chief Minister.~~ 7. Taking into account the circumstances involved, I agree with Minister for Coopn. Due steps may be taken for development in these villages. 80

Sd/- S.Nijalingappa,
Chief Minister. 19.7.67.

The P.W.D file P.W.D 17 CUK 65 and R.D file SoTKV 67 on the subject are returned ~~herewith~~ 81

27

M. G. S.

Subject: Development activities in submerged areas.

File No. PWD 17 GUK 65

WD 01050—GPB—8,00,000 13-12-65

for taking up the necessary action as per orders of the Minister for Development & Co-op & the Chief Minister in paras 79 & 80 ante.

25/7/67

25/7.

D.S. (DP) / P.S. } P. G. PURUSHOTTAM
Under Secy, D.P.C. Deptt. (Programme)

82 The remarks of the Minister for Dev & Co-operation and C.M on the letter of the President Taluk Development Board dated 17.7.67 may kindly be seen and immediate orders issued accordingly

Chandrappa 25.7.67.
Secy (W&E)

R. Ramaiah
Secy DHPC Deptt

SECRETARIAT TO GOVERNMENT
No. PWS 3142
Date 26 JUL 1967
PUBLIC WORKS DEPT.

Jr. Secy PWD.
5238 Date 26.7.67

M. G. S. Subject: File No. PWD 17 GVK 65

WD 01050—GPB—8,00,000 13-12-65

83 (1) The orders of the Co=operation Minister and the Chief Minister in paras 78 and 80 are to remove the ban placed by Government on developmental activities in the submergence areas of medium and major irrigation projects. The G.O. banning the developmental activities has been perhaps issued for the reason that once these areas come under submergence, compensation for the developmental works carried out in that area will have to be paid by Government and secondly the period of deriving benefit from these developmental works by the people would be very short lived. Perhaps in view of the heavy spill over ~~of~~ on major and medium irrigation projects and the long period that would be involved in submerging these lands under the various medium and major irrigation projects under execution, the orders to remove the ban have been issued by the Chief Minister.

84 (2) We may issue the orders removing the ban with the following conditions:

(1) Primary school buildings and other public utility buildings: In the case of primary school buildings and other buildings like the Village Panchayat Hall etc. the buildings to be errected may be of tubular structures which could be easily removed and re-used in the new villages to be built beyond the submergence zone without much infructuous expenditure and without any compensation amount to be paid by Government.

(2) Minor irrigation works: As far as my knowledge goes, there are very few feasible sites for minor irrigation in the submergence areas of ~~the~~ most of the major projects under execution and much less in the case of the submergence area of Upperkrishna. We may

R. Secy. PWD. No 5238 Date 8/8

ask the Chief Engineer, General, to consider such works if at all there are feasible sites for construction which can be completed within a course of a year or so and the full benefits of such scheme could be realised within the course of 5 years or so.

(3) Roads: The existing roads in the submergence areas may be maintained as fair weather roads without investing money on construction of pucca cross drainage works. New construction serving as fair weather roads without costly cross drainage works if at all found absolutely necessary may be constructed and maintained.

(4) Irrigation and drinking water wells: Irrigation wells may be permitted but the masonry lining may be constructed to the extent that is absolutely necessary to make these wells serve till the areas come under submergence. Pucca masonry wells with pucca masonry lining may not be permitted as the cost of masonry in an irrigation well is considerably high as compared with the cost of sinking the well.

As regards the drinking water wells they may be constructed with the minimum diameter that might be necessary as the cost of drinking water well increases (3) as per scale square of the diameter, i.e. as against 8' diameter well, 12' diameter well is constructed the cost of such a well would be almost 2¼ times more as compared with the well of 8' diameter. Wherever it is feasible and possible bore wells at a minimum cost may be sunk and Kirloskar hand operated pumps installed on them.

(5) Lift Irrigation: Lift irrigation may be allowed and (4) the cost of civil works may be reduced to the minimum. It should be enough if the civil works serve the purpose

M. G. S.

Subject: Development activities in Submerged areas

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till the area comes under submergence. This will facilitate removal of the pumping plant which is the costliest item with very little infructuous expenditure on civil works.

Since the order banning of construction activities in the submergence areas has been decided by the Council of Ministers the order to remove the ban subject to the above conditions may have to be submitted to the Council of Ministers for their approval. If agreed a Cabinet Note will be put up.

Secretary, PWD)

M. C. AMTIN,
Jt. Secy., P.W. & Elec. Depn.

Secy PWD. 8/8
PWS No 3667. Date

F.D. may kindly agree.

CHANDAPPA PATEL
Secy. P. W. &. Elecy. Depn.

U.O.No.4523/WI/67

FINANCE DEPARTMENT
WORKS & SCHEME.I.

There is no need to lift the ban. C.M. has passed orders in respect of particular villages. P.W.D. may call for details of works and their cost and also provision available in the Budget. It will not be permissible to provide any additional funds even if the ban is released.

S Abdul Wajid
(S.ABDUL WAJID) 1/9
U.S., Finance Deptt. (W&S.I.)

3 2

Subject: Development activities in Sub-merged Areas. File No. PWD 17 SWK 65 M. G. S.

88) The remarks of F.D at para 87 ante may kindly be perused with to para 85-86 ante. The Divisional Commissioner, Belgaum may be requested to furnish the details of works etc., Draft letter to Pub-Wks at. P 64 C.E. for Consideration.

4/9/67 4.9.67 89) For perusal before noon

DS / JS

5/9/67 M. CHANNAPPA, Jt. Secy. PWD. (Irrgn.)

Jt. Secy. PWD. No 6376 Date 5/9

1000 6/9

6/9 8/9

ISSUED Dated 15/9/67

Minute of the Chief Minister

CM M 2964/67

IMMEDIATE

Bangalore,
September 25, 1967.

90) I had passed an order that in view of the delay caused in taking up and finishing the Krishna Irrigation Project, development works need not be stayed and that on the other hand they should be taken up. I had passed this order long ago, but I find that nothing is being done and that the matter is shuttle-cocked here and there. Please find out why there has been delay and put up.

25/9/67

(S. Nijalingappa)
CHIEF MINISTER.

Secretary to Govt.)
Public Works Dept.)

91) ಕಾ.ನಿ-ಜ್ಞಾಪನ

ea
26/9

98) DS(P) 100/96/9

93) The minutes of the Chief Minister dated 25.9.1967 in para 90 of the case note above and the orders of the Secretary, PWD. in para 91 above may please be perused. Paras 78-80 relating to the orders of the Chief Minister referred to in his minute and also paras 82-87 may please be perused. In paras 82-85 it was suggested that the existing ban on development works may be removed as it relates to following works:-

(i) Primary School Buildings
(ii) Minor Irrigation works
(iii) Roads (as fair weather Roads)

(iv) Irrigation and drinking water wells
(v) Lift Irrigation.

94) Finance Department was requested for its concurrence for the relaxation of the ban in respect of the above items. F.D. in para 87 have opined that the ban need not be lifted and have further stated that since the Chief Minister has passed orders in respect of particular villages, the details of the works and their cost and also the provision available in the budget have been sought by the F.D. They have also stated that it would not be possible to provide additional funds even if the ban is relaxed. In view of the above the Divisional Commissioner, Belgaum was addressed in Government letter No. PWD 17 GUK 65 dated 15.9.67 to furnish immediately the list of such villages as are coming under submersion of Upper Krishna Project, the details of works, their cost and also provision available in the budget. The report from the Divisional Commissioner is still awaited.

95) In para 90 of the case note Chief Minister has desired to see the File. Honourable Minister, PWD. also was keen on this aspect. Hence it may perhaps be considered whether the ban in respect of the above works as indicated in paras 84-85 may be relaxed.

26/9/67
(M. CHANNAPPA)
DY. SECRETARY, PWD (IRRIGN.)

JT. SECY. PW&E.
SECY. PW&E.
MIN. PW&POWER.
CHIEF MINISTER.

(96) As Upper Krishna project has been taken up for execution, it is for consideration & also whether it is desirable to take up any works in the areas to be submerged under the project. Naturally the works will become infructuous but heavy compensation may have to be paid for the works mainly executed also.

27/9

M. G. S. | **Subject:** Developmental activities in submerged areas | **File No.** PWD 17 GVK 65

WD 01050—GPB—8,00,000 13-12-65

97. Kindly see the note in paragraphs 83 to 85 ante.

98. We had taken up with the Finance Department the question of lifting the ban on taking up developmental works in the areas which are likely to be submerged as a result of the construction of large irrigation and power projects. This was, in pursuance of the minute from the Minister for Development and Co-operation in paragraph 79 ante, and orders of the Chief Minister thereon, at paragraph 80. The Finance Department have not agreed to lifting the ban. They have suggested that the question of taking up developmental works may be limited to the villages referred to by the Minister for Development and Co-operation in his Minute referred to above. A detailed report has been called for from the Chief Engineer in regard to the works proposed to be taken up in the villages concerned.

99. The Malaprabha Project and the Ghataprabha Project are fairly in advance stage. The reservoirs of these two projects are likely to be completed during the course of 3 to 4 years. Therefore, it is understandable that any developmental works undertaken in the villages that would come under submersion of these two reservoirs would be an influctuous attempt. But in the case of Upper Krishna Project, the position is not so. Although we have decided to undertake the construction of Upper Krishna Project, it would take quite some time to complete the reservoir. ~~Therefore~~, The developmental works like construction of approach roads, Primary School buildings and small minor irrigation works when completed will serve the villages and would have paid for themselves before they get submerged, which will definitely be not earlier than 10 to 15 years. Therefore,

Subject: Developmental activities in submerged areas

File No. PWD 17 WK 65

M. G. S.

nstead of examining the individual cases of developmental orks of the villages that would come under submersion n the Upper Krishna Project, it would be useful if a general order is issued to the effect that the developmental works in those villages, viz. Primary School Building, approach roads, Drinking Water Wells, and small minor irrigation works may be taken up and completed by utilising the amounts made available for the purpose in the budget. Finance Department will be approached once again if the above suggestion is approved.

A.

Secy. PWD. 28/9
No 45324 Date
DS(I)

28/9/67
CHANDRAPPA PATEL
Secy. P. W. & Elecy. Dept.

MINISTER FOR PW)
C.M 100) V. Patil 30/9.

101) 4/10/67
S. NIJALINGAPPA
Chief Minister

OFFICE OF THE MINISTER FOR PUBLIC WORKS
NO. 2448
28 SEP 1967
BANGALORE.

102)
Chief Min.
No. 3420 Date 4/10/67

Secy PW&E) F.D. may kindly see the rules in Paras 90 to 99 with reference to rules in paras 83 to 87 of the C/N. and accord Concurrence to the Proposal in para Side line 'A' above.

Secy. PWD. 5/X
No Date

F.D)

7/10/67
M. CHANNAPPA.
Dy. Secy. to Govt. P.W.D. (Irrgn.)

GOVT. SECRETARIAT
9 OCT 1967

M. G. S.

Subject: Developmental activities in submerged areas.

File No. PWD 17 GVK 65

WD 01050—GPB—8,00,000 18-12-65

No.5482/WI.

Finance Department,
Works & Schemes-I.

103

F.D. agrees. The term "small irrigation works" needs to be defined. PWD may fix a ceiling limit in respect of such irrigation works proposed to be taken up in the areas coming under the submersion of the Upper Krishna Project.

2681

G.2

(Orders of F.S.)

G. Lakshmandas Moses

(A.M.R. Moses) 16.10.67
Dy. Secretary to Govt.,
Finance Deptt. (W&S).

P.W.D. I

19/x

104) F.D having Agreed, draft Circular Memorandum is put up at P 71 C/F for their Approval. As regards Minor Irrigation works A Ceiling limit may be fixed and indicated in the Circular by Secretariat dept. by F.D.

Sri CH 2 19/x

19/10/67 to 19.x.67 M.S.

DS)

19/x

105) Notes in paras 97-103 of the case note may please be perused. A draft ~~supplementary~~ Memorandum proposed to be issued in Modification of the Memorandum No. PWD.34 MGL 59 dated 9.8.1959 (vide page 35 CF) is now placed at page 71 C.F. which may please be perused and approved.

106) As regards the ceiling limit in respect of small Minor Irrigation works it is noted as Rs.25,000/- which

38

Subject: **File No.** PWD 17 LHK 65 **M. G. S.**

may perhaps be agreed to.

For perusal.

(M. Channappa)
DY. SECRETARY, PWD (IRRGN.)

Jt. Secy. PW&E.

SECY. PW&E.

MIN. PW&POWER.

Jt. Secy. PWD. No 7312 Date 20/10

Secy. PWD. 20/10 PWS No 4806 Date

107) The amount of Rs 25,000/- will produce hardly anything by way of creation of irrigation potential. We may fix up a limit of 100 acres for each of the minor irrigation works. Such works may cost about Rs 1/lakh or a little more than that. The draft has been accordingly been amended, which may kindly be approved

SECRETARY TO GOVERNMENT No ... 21 OCT 1967 PUBLIC WORKS & ELEC. DEPT.

20/10
CHANDAPPA PATEL,
Secy., P.W. & Elecy. Dept.

Minister

108) V. Pulei 26/10
Secy. (P.W.&E.)
V. RENDRA
Minister for Public Works

OFFICE OF THE MINISTER FOR PUBLIC WORKS No. 2567 Date 21 OCT 1967 BANGALORE.

27/10

109) Sir 28/10/67

2/11/67

M. G. S.

Subject: Development activities in Submerged Areas. File No. DWD 17-Gen-65 39

WD 01050—GPB—8,00,000 13-12-65

The Circular at p 72 C-f has been issued. The file may be closed & recorded B

B
9.xi.67.

9/11(b) GP G.S.
9.xi.67.

9/xi

No.DPC.17 IDC 65.

Development, P.Raj & Cooperation Dept.
Vidhana Soudha,
Bangalore, dated 31st July 1965.

U.O.NOTE.

A copy of letter No.DDC/MTG/1/R-13/65-66 dated 6-7-65 together with its enclosure is forwarded herewith for consideration.

Action proposed to be taken thereon may please be intimated to this Department.

(S.V.PATIL)
ASST. DEVELOPMENT COMMISSIONER (A)
DEV.P.RAJ & COOPERATION DEPARTMENT.

Under Secretary,
P.W.D.

Sub:- Developmental activities in sub-merged areas - Resolution No.13 of the District Development Council, Bijapur meeting held on 24-6-1965.

No.DDC/MTG-I/R-13/65-66,
Bijapur, dated 6-7-1965.

To

The Secretary to Government of Mysore,
Development Panchayati Raj and Cooperation Dept.
Bangalore.

Sir,

I write to state that in the notification No.6852 dated 13-3-65 (copy enclosed) issued by the Executive Engineer, P.W.D. U.K. & B.C.I Dn.Bagalkot. It is stated that developmental work of permanent character such as buildings, roads, wells etc. should not be taken up in some of the villages in Bijapur, Bagalkot, Jamkhandi, Bagewadi, and Bilgi Taluks of this Dist. as these villages are likely to be sub-merged under the Alimatti Reservoir proposed to be constructed across Krishna River near Alimatti village in Bagewadi Taluk. As a result of this, no works even under Takavi could be taken up in these areas. This subject was discussed by the District Development Council, Bijapur in its meeting held on 24-6-1965. The Council felt that as the project would take about 8-10 years for completion it should be hard on the occupants of these areas to deprive them of all advantages of the developmental activities for so many years and suggested that such of the works where the initial investment is recovered in 8 to 10 years e.g.construction of irrigation wells and all such schemes - especially these which have a bearing on increased food production, can and should be taken up for implementation.

I enclose a copy of the Resolution adopted by the Council on this score and request you to move Government to consider the decision.

"COPY"

Yours faithfully,

The Executive Engineer P.W.D., U.K.B.S.I. Dn., Bagalkot has given in his notification No.6852 dt.13-3-1963 that the villages shown in the accompanying list are likely to be submerged under the Alimatti Reservoir and therefore he has requested all the concerned Departments not to take up any developmental work of permanent character ~~xxx~~ such as buildings roads wells and major and minor irrigation works etc. in those villages. This notification has been endorsed to all concerned B.D.Os.

In response to this, the presidents TDB Bilgi has been taken objection that the notification is vague and there has not been mentioned in it what extent the villages are affected. Further he added that if dam at Alimatti is taken up will definitely take at least 150-20 years for completion and why the people of 40 villages in Bilgi Petha will have to remain in darkness without having any developmental work. The president has therefore requested to include this subject in agenda to be discussed in the meeting of the D.D.C. to be held on 26-3-63 at 12 noon in the Dy.Commr's Office.

===

List of villages which are likely to be submerged under the Almatti reservoir.

=

Bagalkot Taluka. 1.Bagalkot, 2.Sitimani Rly Stn. 3.Alur 4.Mashihal 5.Hiregulbal 6.Chik Gulbal 7.Muttat 8.Hire Muramatti 9.Chk.Murmatti 10.Hodlur 11.Illal 12.Telgithal 13.Siraguppi 14.Bennur 15.Mugagalli 16.Narapur 17.Veerapur 18.Bammidinni 19.Andili 20.Murnal 21.Chabbi 22.Yadhalli.

Jamakhandi, Taluka: 1.Jamavad 2.Jagi 3.Hosur.

Bijapur Talukas. 1.Sutgundi 2.Devargenmur 3.Miggadhalli. 4.Jalnapur. 5.Bellubbi 6.Harashangi.

Bagewadi Taluk. 1.Kolhar. 2.Bavalatti 3.Halerolli. 4.Sidnath 5.Bisikop. 6.Gani 7.Maradagi 8.Majarekop. 9.Chimmalgi 10.Almatti 11.Benhal. 12.Gonal 13.Devalapur 14.Chandargiri.

Bilgi Taluk. 1.Siraguppi 2.Konvalli. 3.Anagwadi. 4.Nadargundi. 5.Sindgi 6.Kadampur 7.Selagundi. 8.Andamurnal 9.Sidnal. 10.Yankanchi 11.Yalgatti 12.Herkal 13.Yatinmatti. 14.Baderdinni 15.Honnihal 16.Kandagal 17.Birakabbi 18.Sangam 19.Hebashihal. 20.Koppa 21.Muttalddinni. 22.Thimmapur. 23.Rolli. 24.Govinddina. 25.Korti 26.Garadadinal. 27.Dhavaleshwar. 28.Sonna 29.Godihal. 30.Bellur 31.Henchinal. 32.Gudadinni 23.Girgavi. 34.Badagi. 35.Budihal 36.Gulbal 37.Yadhalli 38.Galgali 39.Chavadapur. 40.Babkavi 41.Hanchinal. 42.Mamagur. 43.Chinivalkere. 44.Kamdal. 45.Gudihal 46.Singapur. 47.Heggur 48.Gundapalli.

===

Certified

4 (27)
27

PROCEEDINGS OF THE IST QUATERLY GENERAL MEETING OF THE DIST. DEVELOPMENT COUNCIL, BIJAPUR HELD ON 24-6-1965 at 2 p.m. IN THE MEETING HALL OF THE DEPUTY COMMISSIONER'S OFFICE BIJAPUR.

.....

MEMBERS PRESENT.

1. Shri.R.A.Naik, I.A.S. Deputy Commissioner, Bijapur Chairman. 2. Shri.R.G.Dubey, M.P. 3) Shri.V.H.Patil, M.L.A. 4) Shri.H.M. Desai. M.L.A. 5) Shri.S.B.Vastrad M.L.A. 6) Shri.J.L.Kabade M.L.A. 7) Shri.S.C.Edke, M.L.C. 8) Shri.B.M.Horrkeri, President, Taluk Development Board, Badami 9) Shri.V.S.Patil, President, T.D.B.Bilgi. 10) Shri.K.S.Yadahalli, President, T.D.B.Bagalkot 11) Shri.B.S.Patil President, D.D.B.Bagewadi 12) Shri.B.B.Patil, President, T.D.B.Bijapur 13) Shri.A.G.Desai President, T.D.B.Jamkhandi.14) Shri.S.B.Nagral, President, T.D.B.Hungund 15) Shri.G.S.Hiremath, President, T.D.B.Indi. 16) Shri.G.B.Bonal, President, T.D.B.Sindgi 17) Shri.S.S.Sirnaik, President, T.D.B.Mudhol. 18) District Agricultural Officer, Bijapur. 19) Asst. Registrar of Co-Op. Societies, Bijapur. 20) District. Health Officer, Bijapur 21) Executive Engineer, Bijapur. 22) The Executive Engineer, Bagalkot. 23) District Veterinary Officer Bijapur. 24) Sub-Divisional Forest Officer, Bagalkot. 25) The Asst. Director of Industries and Commerce, Bijapur. 26) The Assistant Commissioner Bijapur. 27) The Assistent Commissioner, Indi. 28) The Assistant Commissioner, Bagalkot. 29) The Assistant Commissioner, Jamkhandi. 30) Shri.H.B.Mundewad.

INVITEES PRESENT.

31) The Asst. Engineer M.I.P.Bijapur 32) Executive Engineer, G.L.B.C. Jamkhandi 33) The Executive Engineer, M.I.P.Bagalkot. 34) The Dist. Employment Officer, Bijapur 35) The Divisional Forest Officer, Bijapur. 36) The District Publicity Officer, Bijapur. 37) The Divisional Soil Conservation Officer, Bijapur. 38) The Superintendant of Sheep and Whol Bijapur. 39) The District Social Welfare officer, Bijapur.

MEMBERS WHO REMAINED ABSENT WITHOUT INTIMATION.

1) Shri.M.R.Patthashetti M.L.A. 2) Shri.B.T.Murnal M.L.C. 3) Shri.N.K.Naik M.L.A. 4) Shri.B.M.Patil, M.L.A. 5) Shri.G.N.Patil M.L.A. 6) Shrimathi Shusilabai Shaha M.L.A. 7) Shri.S.M.Guraddi M.L.A. 8) Shri.G.D.Patil M.L.A. 9) Shri.C.M.Desai M.L.A. 10) Shri.P.M. Nadagouda M.L.C. 11) Shri.S.D. Akki, 12) Shir Akbars et A.Kayum.M.L.A 13) Shri.J.S Deshamukah President, T.D.B.Muddebihal. 14) The District Surgeon, Bijapur 15) The District Educational Inspector, Bijapur. 17) The Viticulturist, Bijapur.

INVITEES REMAINED ABSENT.

18) The Executive Engineer, M.I.P.Belgaum 19) The Executive Engineer G.L.B.C.Gokak. 20) The Chairman, D.C.C.Bank, Bijapur. 21) The President, District Industrial and Co-Op.Bank, Bijapur. 22) The President, District Sheep Breeders Associaition, Bijapur. 23) The President, District Land Mortagage Bank, Bijapur.

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SUBJECT NO.1: To read and confirm the minutes of the previous meeting held on 29-3-1965.

The proceedings of the meeting held on 29-3-1965 were sent to all members of the Council and to Govt. on 8-4-1965. These were taken as read and confirmed.

SUBJECT NO-2: To review the action taken on resolutions passed in the previous meetings.

RESOLUTION NO-1: A note indicating the action taken on all the resolutions adopted in the previous meetings was supplied to all the members of the council in advance. The Council had no comments to offer except on the subject relating to reclamation of alkaline and acid soils. The Council had emphasized in the last meeting as also in previous meetings that the implementation of the scheme was of vital importance as agricultural production was to s

was to a considerable extent impaired owing to increase in Alkaline Soil in various parts of the District. In order to improve the quality of the affected lands, it was suggested at the last meeting that the implementation of the scheme should be taken up on top priority basis and that the Director of Agriculture Bangalore be moved to get the needed staff sanctioned within the shortest possible time. Accordingly the Director of Agriculture, Bangalore was requested on 7-5-1965 and was reminded on 10-6-1965 to move Government in the matter. No reply had so far been received from him. A note was also given to the Finance Minister during his last visit indicating the urgency for implementing the scheme. Since, the implementation of the scheme is a matter of pressing urgency, the Council resolves that the Secretary to Govt. in Development Panchayat Raj and Co-operation Department be requested to bring the matter to the personal notice of the Chief Minister with a view to arranging for the urgent implementation of this scheme.

Proposed by Sri.R.G.Dehgy M.P.
Seconded by Shri.S.B.Patil M.P.
Passed unanimiously.

2(v) REVIEW OF INTIGRATED BUDGETS OF THE TALUK DEVELOPMENT BOARDS.

It was brought to the notice of the Council that all the Chief Executive Officers of Taluk Development Boards in the District except the Chief Executive Officers of Taluk Development Boards of Bilgi and Muddebihal had furnished the details of the Integrated Budgets for the quarter ending 31-3-1965. Most of these however, were received only a day before the council meeting with the result that no review was possible. All the Chief Executive Officers, should take steps to furnish the necessary details for the next quarter well in time. The two defaulting Chief Executive Officers should submit their budgets within a fort-night explaining the reasons for delay.

Moved by the President,
Passed unanimiously.

SUBJECT NO.-3: REVIEW OF THE EXPENDITURE INCURRED BY THE BLOCKS FOR QUARTER ENDING 31-3-1965.

The epxnediture incurred by all the Blocks in the Dist. for the quarter ending 31-3-1965 along with Block wise allotments was reviewed. The Council had no comments to offer.

SUBJECT NO-4: DISTRIBUTION OF BUDGETS GRANTS FOR THE YEAR 1965-66 AMONG ALL THE BLOCKS IN THE DISTRICT.

The details in respect of grants for the year 1965-66 released under various heads of development in C.D.B. were brought to the notice of the Council.

SUBJECT NO-5: REVIEW OF THE PROGRESS IN THE PLAN AND NON-PLAN SCHEMES FOR THE QUARTER ENDING 31-3-1965.

RESOLUTION No-2(a): The grants sanctioned, the expenditure incurred and the the surrenders made were explained. Large amount were surrend -red from out of grants for literacy classes and library services. The Council observed that in future attempts should be made to see that such grants are fully utilised.

(b) The Council felt that the present rate of subsidy at Rs.25/- per acre for Farm Forestry Schemes was not adequate and that the Government should be approached to consider raising the rate of subsidy to 50% of the expenditure.

(c) Shri.Kabade referred to the afforestation scheme at Inchageri and suggested that the scheme should be recommended for implementation. The Council resolved that the Divisional Forest Officer should visit the area and submit suitable proposals to the Council.

continued....

Prpposed by Shri.J.L.Kabade.
seconded by Shri.B.M.Horekeri.
Passed unanimiously.

SUBJECT NO:6: REVIEW OF THE PROGRESS OF PIPED WATER SUPPLY SCHEME:

RESOLUTION-3: The schemewise progress in various parts of the District was explained. There were 9 schemes under execution. Shri.S.B. Patil M.P. brought to the notice of the Council that in respect of Bilgi water supply scheme there were heavy leakage in the pipes which had cracked at various places as a result of which water supply to the villages had been stopped. He suggested immediate replacement of pipes and a special re-examination by technical experts of the whole scheme with a view to preventing huze expenditure on the scheme being wasted. The Council expressed great concern and resolved that the Executive Engineer of the newly established P.H.Dn. in charge of water supply schemes at Dharwar should examine the whole schems and take immediate suitable steps to rectify the defects and to ensure full and regular supply of water to villages covered under the scheme. He should also examine and reppprt as to why such serious defect should have developed so soon after construction of the pipe line.

Proposed by Shri.R.G.Dubey.M.P.
Seconded by Shri.S.P.Patil M.P.
Passed unanimoously.

SUBJECT NO:7: REVIEW OF THE PROGRESS MADE IN THE SCHEMES TAKEN BY VARIOUS DEVELOPMENT DEPARTMENTS.

RESOLUTION No-4: It was observed that the District Officers were not sending their progress reports for the previous quarter well in advance. In the absence of any backgground the members could not offer any worthwhile comments. The Council requested the District Officers to see that the progress reports for the quarter should be sent to the the Deputy Commissioner by the end of the succeding month. The District Agricultural Officer, Bijapur, The District Veterinary Officer, Bijapur Assistant Director of Industries and Commerce, Bijapur, Sub-Divisional Soil Conservation Officer, Bijapur, Forest authorities, Executive Engineer, Bijapur, Executive Engineer, Begalkot, Executive Engineer, G.L.B C.Jamkhandi, Asst. Engineer, M.I.P. Bijapur, District Health Officer, Bijapur and District Social welfare officer, Bijapur explained the progress of the various schmes taken up for execution by the respetive departments, for the quarter ending March 1965. The following observations were made by the Council:-

RESOLUTION NO-5: Some of the members brought to the notice of the Council that expenditure on establishment charges at 4½% was inculuded included in the total cost of the bunding recoverable from the beneficieries. The State Govt. it was stated, was receiving subsidy from Central Govt. to cover these charges. It was suggested that the establishment charges should not be included in the total cost recoverable from the agriculturists and it was further stressed that Govt. should pay subsidy at least to the extent of 25% on the expenditure on bunding. The Council alsofelt that some concession in the bunding cost in the maradi land where nothing could grow should be extended and the Govt. should be requested to consider this suggestion.

Proposed by Shri.R.M.Desai.
Seconded by Shri.V.H.Patil.
Passed unanimiously.

RESOLUTION-6: It was reported that the Animal Husbandary Department had 200 Jerssy Bulls sanctioned at Hessarghata. The Council desired that at least one or two Jerssy Bulls should be secured for our District for breeding purpose and that the Deputy Commissioner should take up this matter with the Director of Veterinary Services, Bangalore

Proposed by Shri.R.M.Desai.
Seconded by Shri.V.S.Patil.
Passed unanimiously.

continued.....

RESOLUTION NO-7: It was brought to the notice of the Council that the subsidy on transportation of mannure from the city area to the villages had been stopped from April 1965. This has prevented adequate mannure supply to the agriculturists. The Council decided to recommend to Govt. revival of the subsidy.

Proposed by Shri.K.S.Kadahalli.
Seconded by Shri.V S.Patil.
Passed unanimiously

The Council also took note of the following:-

(a) The A I.Centre, though sanctioned at Badami long back was not started owing to non-completion of the building. It was agreed that the centre should start in a rented building. The President Taluk Development Board, Badami agreed to secure such a building or rent.

(b) The President, T.D.B.Badami stated that there is no Doctor in the S.M.P.centre at Hebballi since about 3-4 month. It was agreed that the Civil surgeon, Bijapur should be requested to decide about the retirement of the Doctor for taking further steps to fill up the post.

SUBJECT NO-8: DISTRIBUTION OF ALLOTMENT REGARDING EXHIBITION AND CONFERENCES.

RESOLUTION 8: The Council resolved that the amount of Rs.750/- sanctioned by the Director of Industries and Commerne, Bangalore the year 1965-66 in connection with exhibition and conferences should be alloted to the Taluk Development Board, Indi for holding an industrial exhibition during the ensuing Fair at Chadchan.

Proposed by Shri.J,L.Kabade.
Seconded by Shri.B.M.Horkeri.
Passed unanimiously.

SUBJECT NO-9: DISTRIBUTION OF ALLOTMENT UNDER FORM FORESTERY SCHEME FOR 1965-66.

RESOLUTION 9: The Council was informed that the Chief Conservator of Forest, Bangalor had sanctioned an amount of Rs.15,000/- under Farm Forestery Scheme for this District for the year 1965-66 and that the Chief Executive Officers of the following Taluk Development Boards had demands for allotment of grants under the scheme as shown below:-

S.No.	Name of the T.D.Board.	Amount demanded.
1.	Bijapur.	Rs.2500/-
2.	Sindgi ..	Rs.3350/-
3.	Hungund. ..	Rs.2000/-
4.	Mudhol. ..	Rs.5000/-
5.	Jamkhandi ..	Rs. 500/-
6.	Bagewadi, ..	Rs.1000/-
	Total.	Rs.14,350/-

It was resolved that the allotments be sanctioned accordingly to the demands of the Taluk Development Boards and that the remaining amount of Rs.650/- be kept in reserve. The concerned Chief Executive Officers should take immediate steps to utilise the alloted grant well in time.

Proposed by Shri.
Moved by President.
Passed unanimiously.

SUBJECT NO-10: DISTRIBUTION OF ALLOTMENT UNDER LOCAL MANNURE RESOURCES SCHEME for 1965-66.

RESOLUTION 10: It was brought to the notice of the Council that the Compost Development Officer had alloted Rs.200/- for distribution fo Green Mannure Seeds and that the District Agricultural Officer Bijapur had proposed to distribut of allotment of grant as under:

All Taluk Development Boards except the Taluk Boards of Muddebihal Badami and Hungund be alloted Rs.20/- each and Rs.15/- be sanctioned to Taluk Development Boards of Badami and Muddebihal and Rs.10/- to Taluk Development Board Hungund. The Council consider and approved the

the proposal of the District Agricultural Officer, Bijapur. The Dist. Agricultural Officer, Bijapur and the concerned Chief Executive Officers of the Taluk Development Boards should take suitable action to utilise the sanctioned grants:

Proposed by President.
Passed unanimiously.

SUBJECT NO-11: DISTRIBUTION OF ALLOTMENT OF Rs.500/- FOR THE TRAINING OF THE FARMERS DURING THE YEAR 1965-66.

RESOLUTION-11: It was brought to the notice of the Counnail that the Compost Development Officer had placed an amount of Rs.500/- at the disposal of the District Development Council, Bijapur for utilising it for the training fo farmers in compost making and green mannuring and further that District Agriculutral Officer, Bijapur had porposed to distribute Rs.45/- to each Taluk Development Boards in the District accept the Taluk Development Board, Bijapur for which Rs.50/- were proposed to be sanctioned.

The council approved the proposal of the District Agricul--tural Officer, Bijapur.

The District Agriculutral Officer, Bijapur and the concerned Chief Executive Officers of Taluk Development Boards should take suitable action to utilise the amount in time.

Proposed by President.
Passed unanimiously.

SUBJECT NO-12: REVIEW OF THE PROGRESS OF THE CO-OPERATIVE FARMING IN BADAMI BLOCK FOR THE QUARTER ENDING 31-3-1965.

RESOLUTION 12: The Assistant Registrar of Co operative Socelties Bijapur reviwed the progress of the shheme in Badami Block. He explained that ten-forming co-operative societies were formed out oof which 9 were joint and the remaining collective. The membership was 26750 and that the area brought under cultivation 744 acres. The Asst. Registrar of Co-Operative Socieites was requested to pursue and follow up the schemes in collabration with the Taluk Development Boards.

Proposed by Shri.B.G.Dubey M.P.
Seconded by Shri.J.L.Kebade M.L.A.
Passed unanimiously.

ADDITIONAL SUBJECTS WITH THE PERMISSION OF THE CHAIRMAN.

SUBJECT NO-13: DEVELOPMENTAL ACTIVITIES IN AREAS LIKELY TO BE SUB-MERGED.

RESOLUTION 13: A considerable area of Land was likely to be e sub-merged as a consequance of the execution of the Upper Krishna Project at Alimatti and Govt. have instructed that no wirks shoulb be taken up in these areas. As the Council felt that it is hard on the occupants of these areas to be deried all advantages of - Developmental activities, it was suggested that such of the works and schemes where the initial investment is recovered in about 8 to 10 years, e.g. construction of field channels, can and should still be taken up in these areas. All such schemes, especially those which have a bearing on increased food production should therefore be examined from this point of view and Govt. be moved to permit these bing taken up by relaxing the general ban.

Proposed by Shri.V.S.Patil
Seconded by Shri.K.S.Yadahalli.
Passed unanimiously.

SUBJECT NO-14: STARTING OF CEMENT FACTORY AT TALIKOTI IN MUDDEBIHAL TALUK.

RESOLUTION-14: Various developmental works taken up by Government are held up owing to scarcity of cement not enough being available for such works, much less to the individuals Shri.Vastrad M.L.A. stated that there was great need to start another cement factory at Talikoti as it would provide the needed cement and besides provide employment to the local population. The Council agreed to the proposal and resolved the feasibility of starting a cement factory at Talikoti in the public sector as early as possible.

Proposed by Shri.S.B.Vastrad.M.L.A.
Seconded by Shri.K.S.Yadahalli.
Passed unanimiously.

Sd/- R.A.Naik.
President &
Deputy Commissioner, Bijapur.
Dist.Development Council, Bijapur.

No.DDC/MTG-I/65-66.
Bijapur, dated 3-7-1965.

Copy transmitted to all the members of the District Development Council, Bijapur.

Copy submitted to the Secretary to Govt. Development Panchayat Raj and Co-operation Department, Bangalore.
Copy transmitted to the Asst. Development Commissioner, D.P.R. & C.D. Bangalore.

Copy submitted to the Divisional Commissioner, Belgaum.

Copy transmitted to all the invitees.

Copy to all the Chief Executive Officers of Taluk Development Boards in the District.

Secretary,
Dist.Development Council,
Bijapur.

sudi.3/7.

* * * *

Appendix F. G.—1]

10

SUBJECT... Developmental... activities... in... Sub-merged ... areas.: Resolution No. 13.07... of... District... Development... Council... Jaipur.....

Diary No. of letter replied to..... .....

Section P

File No.

Serial No.

Mysore Government Secretariat.

( )

the 196.

N. PWD. 2536/99/65

To

TL. C E (UP).

Date of issue.:.....

Signed by..... .. ..

Please type "A" at post 8/CF

Sir,

I am directed to forward herewith an extract Resolution No 13 07 of District Development Council of Jaipur dt. 24. 6. 65 and to request you kindly to furnish your views in the ~~matter at the action proposed to be taken on the same~~ matter at an early date.

Yours faithfully,

17/8/65

DIS PWD (P)

List of enclosures.....

Copied by.....

12.8.65

Examined by.....

WD 012116—GPB—4,00,000—7-8-63

GOVERNMENT OF MYSORE 4

No. PWD 2536.GI.65. MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 19 August, *1965*

FROM

The Secretary to the Government of Mysore,
Public Works and Electricity Department,

To The Chief Engineer,
Irrigation Projects,
B A N G A L O R E.

Sir,

SUB: Developmental activities in Submerged areas - Resolution No.13 of the District Development Council, Bijapur.

-:-

I am directed to forward herewith an extract Resolution No.13 of the District Development Council of Bijapur dated 14.6.65 and to request you kindly to furnish your views in the matter at very early date.

Yours faithfully,
18/8/65
(M.CHANNAPPA),
Deputy Secretary to Government,
Public Works Department (I).

Issued
Dated 19/8/65

MvR.

RESOLUTION NO.13:

ADDITIONAL SUBJECTS WITH THE PERMISSION OF THE CHAIRMAN. DEVELOPMENTAL ACTIVITIES IN AREAS LIKELY TOBE SUB-MERGED.

A considerable area of land was likely to be a sub-merged as a consequance of the execution of the Upper Krishna Project at Alimatti and Government have instructed that no wlrks should be taken up in these areas. As the council felt that it is hard on the occupants of these areas to be deried all advantages of developmental activities, it was suggested that such of the werks and schemes where the initial investiment is recovered in about 8 to 10 years. e.g. construction field channels, can and should still be taken up in these areas. All such schemes, especially those which have a bearing on increased food production should therefore be examined from this point of view and Government be moved to permit these bing taken up by relaxing the general ban.

Proposed by Shri V.S.Patil,
Second by Shri K.S.Yadahalli.
Passed unanimously.

'COPY'

for Secretary to Government,
public works Department.

SvR

C.F. No. 45] **GOVERNMENT OF MYSORE**

Telegram / phone

OFFICE OF
Office of the
Chief Engineer, P.W.D.,
Irrigation Projects in Mysore,
Bangalore,

No. UKP/Misc/10/TA1 / 3112-13.
Encls.

Date.....4-12-1965.....

To

The Secretary to Government,
Public Works Department,
Vidhana Soudha, BANGALORE.

Sir

Sub:- Developmental activities in submerged areas - Resolution No.13 of District Development Council, Bijapur.

Ref:- Govt.letter No.PWD 2536 ~~xx~~ GI 65 dt. 19-8-65.

Government with the letter cited above have forwarded a copy of the Resolution No.13 of the District Development Council, Bijapur wherein the District Development Council, has resolved to approach the Government to remove the existing ban on taking up works in the areas coming under submergence of Upper Krishna Project and to permit them to take up Developmental activities bearing on increased food production on the plea that the Upper Krishna Project would take 8 to 10 years for completion.

This problem has already been discussed in the 18th meeting of the State Working Group, vide item No.IV of Tungabhadra Project held on 23-9-64, wherein it was resolved that the existing ban should not be relaxed for the reason that such developmental activities would increase the value of the lands resulting in extra expenditure etc., to the Government while acquiring.

Yours faithfully,

for Chief Engineer,
Irrigation Projects.

29.11.65

Ksd.29/11.

KSS 4/12.65

Appendix F. G.—1]

SUBJECT ..... Admin. Page. 13/66 .....

.....

.....

Diary No. of letter replied to..... .....

Mysore Government Secretariat.

( )

the 196.

Date of issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Section P&D.

File No. 17 GUK 65

Serial No.

U.O. No 6.

N.

To

This problem was discussed in the 18th meeting of the State level working Group Vide item No IV of Tungabhadra project held on 23rd 9.65 and resolved that the existing bans should not be relaxed for the reasons that such activities would increase the Value of the lands resulting in extra expn while acquiring land by Govt.

DM 20/9

DSP&D (9).

15.9.66

D.P.C.

WD 012116—GPB—4,00,000—7-3-68

GOVERNMENT OF MYSORE

No.PWD 17 GUK 65

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 23-12-1965.

U. O. NOTE:

Subject: Developmental activities in submerged areas - Resolution No.13 of District Development Council, Bijapur.

...

This problem was discussed with in the 18th meeting of the State Level Working Group vide item No.IV of Tungabhadra Project held on 23.9.1965 and it was ~~items~~ resolved that the existing ban should not be released for the reasons that such activities would increase the value of the lands resulting in extra expenditure while acquiring lands by Government.

Issued

22/12/65

(M.CHANNAPPA),
Deputy Secretary to Government,
P.W.Department (Irrigation).

Development, Panchayati)
Raj & Co-operation.)

ghps:211265.

Appendix F. G. –1]

SUBJECT ..... Taking up I.....
..... Minor Irrigation Works coming under.....
..... project area - Gulbarga Dist. with a view to step
up Food production -

Diary No. of letter replied to..... .....

Section

File No. PWA 5 EM 66

Serial No.

Mysore Government Secretariat.

( )

the 196 .

No.

To

The S. E. Belgaum circle
The C-E (RB) B'lore.

Date of issue.....

Signed by.....

Sir

In forwarding herewith a copy of the minute dt 4-1-66 of the Minister for Food on the above subject, I am directed to request you to examine the proposal contained therein & take suitable action in the matter.

Y. J.
24/1/66
S. S. to Govt
P. W. D

List of enclosures.....

Copied by .....

Examined by.....

WD 012116—GPB—4,00,000—7-3-63

27

GOVERNMENT OF MYSORE

No. PWD 5 IMB 66

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, ..3/..1-1966.

Secretary to the Government of Mysore,
Public Works Department.

To

The C.E., Belgaum Circle.
The C.E.(Gl), Bangalore.

Sir,

Sub:- Taking up of Minor Irrigation Works coming under Project area - Gokak Taluk - with a view to step up food production -

In forwarding herewith a copy of the minute dated 4-1-66 of the Minister for Food on the above subject, I am directed to request you to examine the proposal contained therein and take suitable action in the matter.

Yours faithfully,

(M.Channappa)
Deputy Secretary to Government,
Public Works Department(Irrgn).

Copy of minutes as cited above:-

Some of the representatives of Gokak taluk explained to me during my recent visit to the place that it is necessary to take up minor irrigation works coming under the Project area though they are likely to be submerged when Hidkal dam is completed. They promised to take full advantage of these schemes by growing foodgrains with the help of fertilizers and mechanised cultivation before they are submerged

The Secretary, P.W.D. may examine the feasibility of implementi these schemes with a view to step up food production.

Sd/-
B.D.Jatti
Minister for Food.

The Secretary,
P.W.D.

// Copy //

kjp/2?-1-66/2.

B

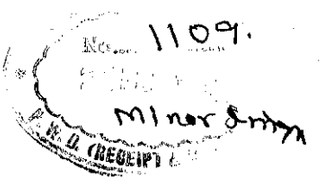
Office of the Chief Engineer (General)
P.W.D. in Mysore, Bangalore.

No. IPH/S-993/IGN/H/65-66.

23 FEB 1966

To

The Secretary to Government,
Public Works Department,
Bangalore.



Sir,

Sub:- Taking up of Minor Irrigation works coming under Project Area Gokak Taluk - with a view to step up food production.

Ref:- Your letter No. PWD. 5. IMB. 66 dated 31-1-66 addressed to this office.

---

1) With reference to the above, I am to state that the orders of Government regarding taking up of Minor Irrigation works coming under the command of the Major and Medium Projects have been sought in this office letter No. IPH/47/IGN/D/62-63 dated 20-1-1966, and same may kindly be expedited.

2) It is not desirable to take up Minor Irrigation works in places coming under submergence of any major projects.

Yours faithfully,

CHIEF ENGINEER (GENERAL) PWD.

nrr/-

Note Continuation Sheet

194

Subject... Taking up of Minor Irrgn. Works in areas coming under the Command of Major & Medium Irrgn. Projects. File No.....

WD 014899—GPB—8,00,000—11-8-65

Reference and markings	Notes and Orders	Para Numbers

Receipt no. 381/M966

Pl. See the letter dated 20.1.66 from the C.E.(G) the issue relating to taking up minor irrigation works coming under the Command of major & medium Irrgn. works is under examination and there are reference in G.I. See. to C.E's letter dated 10.1.66 has not been received in Minor Irrgn. See. as verified from the Section Diary. It must have been received in G.I. See. May be referred to G.I. See

Put up
27/1/66.

(G.I. Sect.) MW 27/1/66

PWD 61/1/2/1/66

For order whether a copy may be called for from the action
MW 31/1
Mukherjee 31.1.66.

Stitching space

Note Continuation Sheet

Subject.....

File No.....

References and markings	Notes and Orders	Para Number
	The reference is not traceable in the proposal dated about two years back from the need dtd; hence a copy is called for.	4.
YM 3/2	Please put up draft	5
	4 21.2.66.	
	Draft put up for approval.	6
YM 3/2	Please	7
	Issued by Dated 10/2/66	
PLD184/DD/59/66	The file bearing no PLD 5 IMB 66 has been requested from the Spl Wing Section.	
	The file may be clubbed for the necessary action	8
YM 3/3.		

~~PWD 88 GFB 62~~

No.IPH.47/IGN(d)/62-63.

Engineer-in-Chief (General), P.W.D. Secretariat, Bangalore-1.

Dated -1-1966.

To

The Secretary to Government,
Public Works Department, Bangalore.

Sir,

Sub: Taking up of Minor Irrigation Works in areas coming under the command of major and medium projects.

Ref: This office letter of even No.dt. 14-1-1964.

Orders of Government may kindly be communicated for taking up Minor Irrigation works coming under the command of major and medium irrigation schemes as requested in this office letter cited above.

The Government of Maharastra have decided to take up Minor Irrigation Works under the command of major and medium - irrigation schemes, if the latter are to be taken up after five years. We may also persue the same policy subject to the - further condition that tank works with submergence exceeding 25% of the ayacut may not be taken up.

Yours faithfully,

CHIEF ENGINEER (GENERAL).

MG.2/.19.1.

21 b

PWD 10 GIP 66

10-2-66

Public Works Department.

The Chief Engineer(General),
BANGALORE.

Sir,

Sub:-Taking up of Minor Irrigation Works in areas coming under the command of major and medium projects.

With reference to your letter No. IPH/47/IGN(d)/62-63 dated 20th January 1966 on the subject cited, I am directed to request you kindly to forward a copy of your letter No. IPH.47/IGN(d)/62-63 dated 14-1-64 on the same does not seems to have been received in this office for further action.

Yours faithfully,

10/2/66

For Deputy Secretary to Gover ment, PublicWorks Departm

kjp/8-2-66/2.

22 7

M. G. S. App. F. G. 3].

MYSORE GOVERNMENT

SECRETARIAT.

(Continuation sheet draft form).

PWD. GVP66.

To.

The CE (Sel)

Sir,

Sub:. As in page 1/c

a

With Reference to your LM IPH/47/IGN(d)/62-63. dt. 20 th Jan 66. on the subject cited, I am directed to request you kindly to forward a copy of your LM. IPH. 47/IGN(d)/62-63. dt- 14. 1-64 on the same above not. seems to have been recd. in this office for the action.

Y

Yours

DTS PWD(I).

WD 012117—GPB—1,00,000—7-8-68

No. PH/47/IGN/H/62-63
Encl: 1 Letter copy
1 Note.

23 8

To

The Secretary to Government,
Public Works Department,
Bangalore.

7 MAR 1966

Sir,

Sub: Taking up of Minor Irrigation works in areas coming under the command of Major and Medium projects.

Ref: Your letter No. PWD. 10 GIP 66 dated 10-2-66.

I enclose herewith a copy of this office letter of even No. dated 14-1-64 as desired.

Yours faithfully,

for Chief Engineer (General).

KRS.4/3

Letter No. IPH 47 IGN(d)/62-63 dt. 14-1-64 from the Chief Engineer (General), Bangalore to the Secretary to Government, P.W.D. Bangalore.

Sub: Takingup of Minor Irrigation works in areas comingunder the command of Major and medium irrigation projects.

Ref: Govt. letter No. PWD. 49 MGP 63 dt. 28-11-63.

I forward herewith a note on the above subject, wherein it is explained how in the case of minor irrigation projects, the amount spent on them would be realised within a period of say about 20 to 23 years. The other advantages in taking up a minor scheme in the command of a major or medium irrigatiàn scheme are also explaine d in the note accompanying.

In the note, we are making every reasonable assumptions i.e. a minor project will take about 5 years for completion and a major project about 15 years.But, in minor irrigation schemes particularly costing below Rs. 2 lakhs works get completed within about two years and development of irrigation is also faster than that in the case of major scheme. Thus the assumptions made in the note are strictor on M.I. Schemes and lenient on Major irrigation schemes.

In view of the above, I request that orders of Governmeht may kindly be communicated for taking up minor irrigation schemes coming under the command of major and medium irrigation schemes.

/ COPY /

for Chief Engineer (General).

KRS.

5-2-66

28 30

N O T E

Sub: Taking up of Minor Irrigation works in areas coming under the command of Major and Medium Irrigation Projects.

For a particular area, where there is keen demand for irrigation, when once the water is made available either by a major scheme or a minor scheme, the time for the development of that area is the same. Hence, the only factor which counts is the difference between the periods of investigation and construction required for the Minor and Major Irrigation projects before making the water available.

Considering, the magnitude of the investigation, the Technical problems, planning etc., involved in case of Minor and Major projects, it is reasonable to assume that water can be made available under a minor project at least 10 years earlier then that in case of a major project.

An average minor irrigation work costing Rs. 800/- per acre with an atchkat of 100 acres is considered. The cost of the project will be Rs. 80,000/= the water rate being Rs. 15/ per acre. The proportinate cost of a major project to irrigate the area of 100 acres under consideration is also taken as Rs. 80,000/- for purposes of comparison, generally major projects cost more per acre of area irrigated than a minor irrigation project for a given crop pattern.

Another factor which will have to be taken into account is the indirect receipts due to increased income on the lands after irrigation. The indirect receipts will be by way of increase in income tax, Sales tax, transport etc. as a result of the increased activities and greater purchasing power. The money value of the increased yield may be taken to be Rs. 200/- per acre on an average This figure is reasonable when we consider the loss of ~~x~~income due to failure of crops owing to failure of rains before the advent of the irrigation scheme. In K.R.Sagar area it is understood that the indirect receipts amounts to 24% of the total income even without taking into consideration the accounts of the Sugar Factory. As such, the indirect receipts may safely be taken to be at 20%, especially in view of the increasing rate of taxes

. . .2

26 ff

Calculations to compare Minor and Major Irrigation projects:-

Details	Minor Project	Major Project.
1. Cost of the project to irrigation 100 acres	Rs 80,000	Rs 80,000
2. Atchkat	100 acres	100 acres.
3. Betterment levy	Rs 400/ acre recoverable in 20 instalments.	Rs 400/- per acre recoverable in 20 instalments.
4. Water Rate	Rs 15/-	Rs 15/-
5. Net Revenue by water rate deducting 10% as working expenses	Rs 1350 per annum	Rs 1350/ per annum
6. Period of investigation and contribution.	5 Years	15 years.
7. Time lag for a Major project with respect to Minor Project.	-	10 years.
8. Rate of interest on Capital loaned	5% per annum	5% per annum
9. Total value of the increase in production	Rs. 200/ per acre per annum i.e. Rs. 20,000/-	Rs 200/ acre/ annum i.e. Rs 20,000/-
10. Indirect receipts	20% increase in income i.e. Rs 4000per annum.	20% increase in income i.e. Rs. 4000 per annum

Minor Project		Major Project.	
Capital cost = 80,000		Capital cost = Rs. 80,000/-	
Interest chagges		Interest charges.	
at 5% on the average of the amount for 5 years i.e. periof of construction	10,000	at 5% on the average of the amount for 15 years i.e. period of construction	30,000
(To be capatalised)	Rs. 90,000	(To be capitalised)	1,10,000

Note:- The interest during the period of construction is on the average capaital as amount is loaned as and when work progresses. Also, this interest will have to be capitalised as there is no receipt from the project for making payment of interest and capital by instalments.

The total receipts during the period of recovery of betterment levy will be as follows:-

Total receipts during the period of recovery of betterment levy is Rs. 7,350/-

i) Net direct revenue due to water rate Rs 1,350

ii) Betterment levy at Rs. 20/ per acre per year Rs 2,000

iii) Indirect receipts Rs 4,000

Total receipts. 7,350

....3

27

Minor Project

After the period of collection of betterment levy the total receipt will be Rs. 5350 per annum

Rough calculations indicate that the entire loan with interest can be paid out of the receipts within the period of collection of betterment levy viz., 20 years. Let. N= No. of years after the period of construction during which the entire loan together with interest may be paid out of the receipts.

Interest to be paid during the period of 'N' years on the average amount (as amount of loan goes on reducing)

$$= \frac{90,000}{2} \times \frac{5}{100} \times N$$

$$= 2250\ N$$

Total amount to be paid Rs 90000 + 2250 N

Total receipts = Rs 7350 N

$\therefore$ 90,000 + 2250 N = 7350 N

$\therefore$ N = 18 years.

This means, that after taking up a minor project, the entire capital amount together with interest will be paid within 5 + 18 = 23 years After this, there will be a revenue of Rs. 7350/- per annum for 2 years (being the balance i.e. period during which betterment levy is collected) and Rs. 5350 per annum during the subsequent years.

The actual amount which will have been paid by the Govt. as its share of cost before getting any receipts will be as follows

Total amount paid before ther will be return to Govt= 7350 + 18 = 1,32,300

Public Contribution = 400 x 100 =	40,000
Payment by Govt. =	92,300

Major Project

After the period of collection of betterment levy, the total receipts will be Rs 5350/ annamx

The rough calculations indicate that the entire loan with interest can only be paid out of the receipts in a period greater than that of betterment levy contribution. Hence the balance of loan at the end of the period of betterment levy collection will be calculated first and then the further period required to wipe out the loan will be calculated.

Let the balance of the amount at the end of period of collectio of betterment levy be 'P'

Average loan for the period

$$\text{Rs } \frac{1,10,000 + P}{2}$$

Interest at 5% for 20 years

$$= \frac{1,10,000}{2} + P \times 20 \times \frac{5}{100}$$

Amount paid during 20 years out of receipts

$$= 20 \times 7350 = 1,47,000$$

$$\therefore\ 1,10,000 + \frac{1,10,000 + P}{2} = 1,47,000 = P$$

$\therefore$ P = Rs. 38,000/-

Let 'N' be the number of years after the period of betterment levy collection in which the balance of Rs. 38,000/- is paid together with interest.

Average principle = Rs $\frac{38,000}{2}$

Interest at 5% per annum for 'N' years = $19000 \times \frac{N+5}{100} = 950\ N$

Amount paid in 'N' instalments = 5350 N

38000 + 950 N = 5350 N

$\therefore$ N = 9 years

$\therefore$ The entire loan with interest will be wiped out in a period of 15 + 20 + 9 = 44 years.

$\therefore$ The total amount paid before there will be return to Govt.

= 20 x 7350 x 5350 x 9

= Rs 1,95,000

Public contribution	Rs 40,000
Govt. share	1,55,000

...4

28 to

Minor Project | Major project.

II. Total loss in the national income due to not taking up the minor scheme

No. of years = Difference in periods of constitution of Minor and Major schemes = 10 years

Loss in income = 20000 x 10
= Rs. 2,00,000

As per the calculations made above, the following points are indicated:-

1. All the amount spent on a minor scheme together with the interest will be realised by receipts due to water rate and indirect receipts within a period of 23 years whenever in the case of a major scheme the period is 44 years.
2. In the particulars exmaple considered, the amounts which will have been paid to repay the loan and the interest in the above mentioned periods for minor and major schemes will be respectively be Rs. 92,300/- and Rs 1,55,000/- i.e. the amount paid in case of a major scheme is 68% more than that in the case of minor scheme.
3. The calculations made above do not take into account the remissions in land revenue and cost of any relief measures which may be borne by Govt. during famine which may occur during the period of execution of a major project which is more than that of the minor project of this aspect is taken into account, a major project will cost even more.
4. Since major scheme takes more time than a minor scheme, there is loss of national income of Rs. 20,000/- per annum for a period of 10 yeaas which capitalised amounts to Rs. 2,00,000/-

what about minor tanks not taking up at all ?

The financial advantages in view of the above observations and other advantages in taking up a minor scheme in the command of a major scheme may be enumerated as follows:-

1. A minor scheme in the command of a proposed major scheme, will have practically paid up all the capital amount together with interest by the time the major scheme starts functioning. Hence, a minor scheme is cheaper than a major scheme in the long run.

..5

29 74

2. The yield from the catchment, which would otherwise go to waste will be utilised by a minor scheme and to that extent there will be a reduction on the burden on the major scheme which will facilitate further increasing the scope of a major scheme.
3. All the seepage from the command of a major scheme, which is situated above the minor scheme will be utilised. This will facilitate for furhher increasing the atchkat either directly under the minor scheme or the major scheme.
4. Tanks in the command of major schemes may be used as balancing reservoirs to store the surplus water from the major scheme. This will reduce the burden on the major scheme feeding its direct atchkat during shortage or pressure of supply.
5. People will be getting the benefit of irrigation much earlier in the case of minor scheme thus adding to national prosperity.
6. The liability of the Government regarding remission regarding land revenue and relief measures due to scarcity or famine conditions during the period of construction is less in the case of M.I. projects than in the case of Major Projects.

Copy

R. Munisamidale 5.8.66

for Chief Engr (General)

4/8.

Copy of letter dated nil from Shri A.R.Panchagavi, to the Hon'ble Chief Minister, Govt. of Mysore, Bangalore.

....

I had represented to you that it is possible to irrigate about 6,000 acres under the Gokak Canal which is part of the Gataprabha left bank canal during summer this year, that is, from 15 Feb. till 15th May and grow the third food crop which may yield about 6,000 quintals of food-grains further present there is sufficient water in the Dhupdal Wir which if supplied early to irrigation will suffice to grow third crop. The difficulty is that water supply to the Gokak mills has to be stopped and they have to be supplied with Sharavathi Power immediately. Till the Sharawathi power is supplied, they can run the mills on the Diesal Engines, which are kept there as stand-by arrangement. This will help to solve the food problem and also to acute fodder shortage inour areas, i.e., Gokak Taluk of the Belgaum District.

Another thing, a circular has been issued by the Government stating that no Minor Irrigation works should be taken in areas to be covered by Major Irrigation works, which would be taken up in the long run. Most of the areas in the eastern part of Gokak Taluk is covered by the Ghataprabha right bank canal which may not be executed till atleast 10 years more. There is acute scarcity this year and no work for the people. Hence, I request that the Government order shown above may be modified and Minor Irrigation works be allowed to be taken up in these scarcity areas. Otherwise, digging of the right bank channel itself may be begun to provide work to the affected people.

I request you to kindly consider the above two matters and take early steps to relieve the distressed of that area.

.....

copy.

Copy of letter dated nil from Shri A.R.Panchagavi, to the Hon'ble Chief Minister, Govt. of Mysore, Bangalore.

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I request you to kindly consider the above two matters and take early steps to relieve the distressed of that area.

.....

copy.

PWD 59/I D/4166

No.ADM.Devt. 65-66.
Bilgi. 24th Dece, 65.

To

Shri. G. Narayanagouda.
Hon. Minister for Agril.
Govt. of Mysore, Bangalore.

Sub:- Request to waive the restictions laid under Govt. Notification issued by E.E. V.K.P.I. Dn. No. 1 Alimatti under his No.TS/UKP-1646-65.19294 dt.4-3-65. not to take up irrigation wells and irrigation works etc.

Sir,

On the perusal of copy of the Notification enclosed herewith, it has come to the notice of the villagers that 86 villages mentioned in the same Notification will be affected by depriving them from taking up Developmental works of permnant character such as irrigation wells, Drinking water wells, and irrigation minor works. It is apprehended that this Notification works as an impedement to the development and hinders the economic progress of the Village - Community. It is requested, to consider the following points in the intrest of the betterment of village community and to raise the food crops and to meet the emergency conditions.

1. It has been represented by the Taluka Board and the villagers that the said Notification will work hardship and it should be waived.

2. The said Notification is very vague and is not clear. It is not definite how much portion of the area of each village actually come under submergance. The work likely to be submerged shows the indefiniteness of time and area. No survey has been taken up to show the area lying below R.L. 1700.00.

2. The Dist Devt. Council has moved the Govt. to waive the said Notification but still it is pending with the Govt.

3. It has been notified that only pumpsets can be fixed by the Agriculturists under Takavi or hire purchase scheme.

4. There are many applications which has been refused by the sanctioning authorities in respect of grant of Takavi loan for construction of irrigation wells.

5. It may kindly be noted that one is at a loss to know when the U/K dam likely to be commenced and be completed.

6. Under the present circumstances, when our "Jawans" are fighting in the north against Pak & China to protect our country and the rayats are fighting against nature and incentive to grow more food crops, it is hoped that the proposed Dam i.e. Uppar Krishna project is not likely to come up at least within a period of 20 years to come. Hence we feel it a sin to keep the village community in darkness when the whole world is enjoying the light of development, especially in case of Development activities in Agril, for growing more food crops resources available from their own land.

33 47

7. People are ready to take loans for construction of - irrigation wells by furnishing sufficient security and under-take to repay it withing the specified time according to takavi rules and even they may give and under-taking that they may not insist on claim-ing compensation amount equal to the value of the land after the development is effected, if the Govt. considers it reasonable, - Moreover the loan taken by him will be repaid within a period of 8 to 1 years and by that time the Agriculturists is given an appertunity to develop his own land and raise more food crops and ineffect he is raising production of the nation.

Hence in view of the above circumstances it is felt that Govt. will not be at any loss by allowing to grant loans at least f irrigation wells and ~~minor~~ minor irrigation works. This point has be represented to you at the time of your visit to the Jowar Plot of - Shri. S. B. Patil. M.P. at Bilgi.

Hence it is humbly requested to waive the restrictions under the Notification and allow to sanction takavi loans for - construction of irrigation wells and minor irrigation works in the villages, mentioned in the Notification as said to be likely to be submerged.

Yours faithfully,

Patil

(V. S. Patil.)
President,
Taluk Development Board,
Bilgi.

MMJ/-

GOVT. OF MYSORE.
PUBLIC WORKS DEPT.
UPPER KRISHNA PROJECTS.

34 18.

"NOTIFICATION.".

The following villages are likely to be submerged under the Almatti reservoir proposed to be constructed acres River Krishna, near Almatti village, Taluka Bagewadi. Dist. Bijapur. The are lying below R.L.1710.00 is likely to be affected. All the Depts. concerned are therefore, requested not to take up any developmental work of permanent chargcter such as buildings, reads wells, major & medium irrigation works etc. in this area.

I. Bijapur. Dist. (Taluk)

1. Hanagargi.
2. Bellubbi.
3. Ningadahalli.
4. Hesur.
5. Devargennur.
6. Jainapur.
7. Sutagundi.
8. Babalad.
9. Shirgur.
10. Jambagi.
11.

II. Begewadi Taluk.Bijapur Dist.

11. Chandaragiri.
12. Devalapur.
13. Genal.
14. Benal.
15. Almatti.
16. Chimmalgi.
17. Majarekoppa.
18. Maradagi.
19. Gani.
20 Bisalkop.
21. Siddanath.
22. Halerelli.
23. Balut.
24. Kolhar.

III. Bilgi Tal.Bijapur Dist.

25. Sangam.
26. Beerakabbi.
27. Hadrihal.
28. Koppa.
29. Muttaladinni.
30. Relli.
31. Takkalki.
32. Korti.
33. Garadinni.
34. Dhavaleswhar.
35. Sonna.
36. Deddihal.
37. Ballur.
38. Gudadinni
39. Giragavi.
40. Badigi.
41. Hanchinal.
42. Kandagal.
43. Hennihal.
44. Badaradinni.
45. Yattinatti.
46. Herakal.
47. Mangur.
48. Chinavalkop.
49. Kamadal.
50. Gedihal.
51. Lingapur.
52. Heggur.
53. Gundanapalle.
54. Kolur.
55. Anagwadi.

IV. Bagalkot Tal: Bijapur Dist.

56. Alur.
57. Mastihal.
58. Chikkagulabla.
59. Muttat.ti.
60. Hiremuramatti.
61. Hiregulabla.
62. Chickmeeramatti.
63. Chik Hedlur.
64. Hire Hedlur.
65. Illal.
66. Talgihal.
67. Hiraguppi.
68. Bennichinni.
69. Bennur.
70. Mugalalli.
71. Bagalkot.
72. Yankanchi.
73. Sidnal.
74. Andmurnal.
75. Salagundi.
76. Kadampur.
77. Sindagi.
78. Haveli.
79. Kesanur.
80. Kaddalli.
81. Chebbi.
82. Hiresasvi.
83. Kaladagi.
84. Kundargi.
85. Kevalli.
86. Nakaragundi.

No.TS/UKP/65-66/9294
Date. 4-3-1965.

1. Copy submitted to Shief Enginner, Irrigation Projects, Bangalore for information.
2. Copy submitted to Suptd. Engr. UKP. Circle Camp Almatti for information.
3. Copy submitted to the Divil.Commr.Belgaum for information with request you to issue necessary instrcution to Dy.Commr.Thrs. BDOs. of Bijapur Dist for taking suitable action.
4. Copy to B.D.O. Bilgi.

True Copy

Sd/- x x x
Executive Enginner, UKPI.

No.PWD 34 MOL 59

Mysore Govt. Secretariat,
Public works Department,
Bangalore, Dt. 19th Aug.59.

CIRCULAR MEMORANDUM

Sub: Undertaking of Development works of a permanent character in areas likely to be affected by the construction of Reservoirs, Anicuts etc.

In order to avoid wastage by investment on development works of a permanent character in areas likely to be affected by the construction of reservoirs and anicuts etc, it is directed that once any Major Irrigation work is administratively approved, the Chief Engineer should intimate all Departments concerned asking them not to take up work involving creation of Capital Assets in areas likely to be submerged by the execution of the scheme.

2. In respect of Major Irrigation Projects not administratively approved, the Chief Engineer should put up proposals to Government for orders when the Scheme is sufficiently advanced and when there is every likelihood of its being taken up for execution, whether a ban on the creation of capital assets in the area likely to be submerged by the scheme should be imposed. These instructions are issued in modification of the instructions already issued in Govt.~~Memo~~ Circular No.PWD 172 DRA 58, dated 28th August 1958 and Government Circular Memo No.PWD 187 CIB 59, dated 25th May 1959.

By Order and in the name of
the Governor of Mysore,

Sd/- C.J.Venkatesa Das
for Secretary to Government,
Public Works Department.

To

All Chief Engineers.
All Superintending Engineers.
All Executive Engineers.
Heads of Development Departments.
All Assistant Engineers.
Copy to Cabinet Section.
Copy to Secretaries to Govt.

"Copy"

for Secretary to Government,
Public Works Department.
23/8

DRAFT:-

Subject:- Developmental activities in submerged area areas likely to be submerged by the construction of Reserviors.

CIRCULAR MEMORANDUM.

In the circular Memorandum NoPWD 4MGL 1959 Dated9-8-59 it has been directed that the works involving creation of capital assets should not be taken up in the areas likely to be submerged by the execution of Major Irrigation Projects. But the Department of Public Works have taken up large numbers of M.I Works. The funds being meagre year after year, it has not been possible to complete them according to Schedule with the result that Irrigation works which should have been completed in short period and started yeilding results earlier could not be taken up in the submersion areas of the proposed projects. The position is likely to continue for a number of years to come, Government have therefore reexamined the matter and partial modification of the Memorandum cited, it is directed that the minor Irrigation projects which could be completed within a course of a year and whose benefits could be realised with-in5 years during which time Major Irrigation project are not likely to be completed may be allowed in submersible areas of the proposed Major Irrigation projects.

B.o.ali.

Deputy Secretary
Irrigation.

All Chief Engineers
All S.E's.
All E.E's
Heads of Development& Agriculture Dept's

Draft Note for Council of Ministers. 37

Sub:- Relaxation of ban on developmental activities in the areas coming under submersion of Major Projects.

In order to avoid wastage by investment on development works of a permanent character in areas likely to be affected by the construction of Reservoirs & Anicuts etc. the Cabinet had decided in August 1959 to place an embargo to avoid taking up such works. But of late representations are being received that a number of major irrigation projects have been taken up for construction in the State. In the submergence area of these projects it was been directed that Minor Irrigation works involving creation of capital assets should not be taken up. But on account of paucity of funds, year after year it has not been possible to complete them according to schedule, with the result that Minor irrigation works which should have been completed in a short period and started yielding results could not be taken up in the areas coming under submersion in the proposed projects. Consequently these areas have been denied of the benefits of quick yielding minor irrigation projects. This position is likely to continue for a number of years to come. Therefore it may not be just to continue the effect of the order referred to above. The minor irrigation projects which could be completed within a course of a year and whose benefits could be realised within the course of five years during which time the major irrigation projects are not likely to be completed may perhaps be

P.T.O.

be allowed in the submersible areas of the proposed major irrigation projects.

The case is therefore submitted to Council of Ministers for permission to relax the ban mentioned above.

Secretaty to Govt.
Public Works Dept.

Developmental activities in submerged areas 38
Resolution No 13 of District Developmental Council
Bijapur.

Draft:-

The Chief Engineer (General)
BANGALORE.

Sir,

~~With reference to your letter No IPH/47/IGN/H/62-63 Dated 7-3-66 on the subject, I am directed to state that of late Government has been considered to relax to some extent the ban imposed through official~~ With Memorandum No PWD34 MGL 1959 Dated 9-8-1959 restricting, the developmental Activities involving creation of capital assets in the area likely to be submerged by the execution of Major Irrigation Projects. ~~It is proposed to consider~~ However such of the Minor Irrigation Projects ~~as would~~ be completed within a course of a year and whose benefits could be realised within a course of ~~fi~~ five years during which time Major Irrigation projects are not likely to be completed, ~~I am therefore requested you kindly to furnish a detailed note in respect of the Minor Irrigation Works of the category indicated above which can be taken up by your~~ ~~convenience~~.

Yours faithfully

(S.K.Moham)
Under Secretary to Government
Public Works Department.

has been laid down. This norm has been reviewed in the light of the ~~present~~ existing circumstances, Govt. feel that there would be no objection if such of the

41

V.S.Patil. LL.B.
President,
Taluk Development Board,
B I L G I. (Dist.Bijapur)

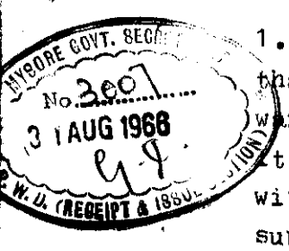
No.ADM.DEVT.66-67.
Bilgi. 20th Aug, 1966.

Shri. S. Nijalingappa.
Hon. Chief Minister,
Govt. of Mysore, BANGALORE.

Sub:- Request to waive the restrictions laid under Govt. Notification issued by the Executive Engineer, U.K.P.I.-Dn. No.1. Almatti under his No.TS/UKP/64-65/9294 dated. 4th March, 1966.

Sir,

On the perusal of copy of the Notification enclosed herewith, it has come to the notice of the villagers that 86 villages mentioned in the same Notification will be affected by depriving them from taking developmental works of permanent character which is an impediment to the development and hinders the economic progress of the village community. It is requested to consider the following points in the interest of the better-ment of village community and to raise the food crops and to meet the emergency conditions.



1. It is requested by the Taluka Board and the villagers that the said Notification will work hardship and it should be waived. The said Notification is very vague and is not clear. It is not definite how much portion of the area of each village will actually come under submergence. The words "likely to be submerged" shows indefiniteness of time and area. No boundaries have been fixed by surveying the area to be covered under the submergence.

2. The District Development Council has moved the Govt. to waive the said Notification but still it is pending with the Government.

3. It has been notified that only pump sets can be fixed by the agriculturists under Takkavi or Hire Purchase Scheme

4. There are many applications which have been refused by the sanctioning authorities in respect of grant of Takkavi loans for construction of irrigation wells.

5. It may kindly be noted that one is at a loss to know when the Upper Krishna Dam is likely to be commenced and completed.

6. Under the present conditions when our 'Jawans' are placed for fighting in the North against the Pak & China to protect our Country and the royats are fighting against the Nature and adopt incentiveness to Grow More Food Crops. it is hoped that proposed Dam i.e. Upper Krishna Project is not likely to come up at least ... 2.

Draft.

No.PWD 17 GUK 65

To

The Chief Engr. (Genl),
Bangalore.

Sir,

Sub:- Developmental activities in submerged areas - Resolution No.13 of District-Development& Council, Bijapur.

With Memorandum No. PWD 34 MGL 59 dated 9-8-1959, restrictions regarding the Development Activities involving creation of capital assets in the area likely to be submerged by the execution of Major Irrigation Projects has been laid down. This issue has been reviewed in the light of the existing circumstances, Govt. feel that there would be no objection if such of the Minor Irrigation Projects which could be completed within a course of ~~time~~ ~~a year, and whose benefits could be realised within a course of time a year,~~ and whose benefits could be realised within a course of five years during which time Major Irrigation Projects are not likely to be completed, may be taken up.

Yours faithfully,

Under Secretary to Government,
P.W.D. (Technical).

cn/

GOVERNMENT OF MYSORE

No.PWD 131 GIG 63

Mysore Govt. Secretariat,
Bangalore, dated 17-8-1963

To

The Chief Engineer (G)
Bangalore.

Sir,

Sub:-Restoration of Masarkal Tank near Masarkal village and investigation of five tanks in Deodurg taluk coming under the command of Major Project.

With ref. to your letter No.IPH/16468 IGN (c) 62-63 dated 19.7.63 on the above subject enquiring as to whether to proceed with the investigation of 5 tanks in Deodurg taluk, which comes under a Major project I am directed to state that it is advisable not to take up the construction of any new tanks in the command of Major projects. However, repairs to the existing tanks coming under the command of Major projects may be taken up. if they are found feasible.

The plans and estimate of Masarkal tank received from you are returned herewith.

Yours faithfully,

DY.SECY. PWD
(C&B)

Copy to:-

The S.E.Raichur Circle for information.

V.S.Potir, Esq.,
President,
Farm Development Board,
Kuala Lumpur. (Pilot Project)

This may awaken him. Main the
PWD 17 GLU 1/66.

47

at least within a period of 20 years to come. Hence we feel it a sin to keep the Village Community in darkness when the whole world is enjoying the light of Development, especially in case of Developmental activities in agriculture for growing more food crops from the resources from their own lands.

7. People are ready to take loans for construction of irrigation wells by furnishing sufficient security and undertake to repay it within the specified time according to Takkavi Rules. Moreover, loan taken by the royats will be repaid within a period of 8-10 years and by that time the agriculturists is given an opportunity to develop his own land and raise more food crops and ineffect is raising the production of 'Nation'.

Hence, in view of the above circumstances it is felt that a Government will not be at any loss by allowing to grant loans at least for irrigation wells, and minor irrigation works, construction of school rooms and drinking water wells.

This point has been represented to you at Bagalkot on 16th August, 196[illegible].

The copy of the resolution of the Taluka Development Board, Bilgi is enclosed herewith for your perusal.

This matter was ajitated before the Minister for - Agriculture when he was on tour in Bilgi Taluka and we received a reply from him on 4-1-196[illegible] that our letter has been sent to the Honourable Chief Minister for sympathetic consideration.

Hence it is humbly requested to waive the restrictions under Notification and allow to sanction Takkavi loans for const--ruction of irrigation wells and minor irrigation works, construc--ction of school rooms and drinking water wells in the villages mentioned in the Notification as said to be likely to be submerged

Yours

(V.S.Pati).

GOVERNMENT OF MYSORE.
PUBLIC WORKS DEPARTMENT
UPPER KRISHNA PROJECT.

43

" NOTIFICATION "

The following villages are likely to be submerged under the - Almatti reservior proposed to be constructed across River Krishna,near Almatti-village,Taluka Bagawadi District Bijapur. The area lying below R.L.1710.00.is likely to be affected. All the Departments concerned are therefore,requested not to take up any developmental work of permanent character such as buildings roads,wells,major & medium irrigation works etc,in this area.

I. Bijapur Tal.Bijapur Dist.

1. Hangargi.
2. Bellubbi.
3. Ningadahalli.
4. Sutegandi.
5. Hosur.
6. Devargennur,
7. Jainapur.
8. Bablad.
9. Shirbur.
10. Jambgi.

II. Bagewadi Tal.Bijapur Dist.

11. Chandragiri.
12. Devalapur.
13. Gonal.
14. Benal.
15. Almatti.
16. Chimmalgi.
17. Majjekop.
18. Maradgi.
19. Gani.
20. Bisalkop.
21. Sidhnath.
22. Heroolli.
23. Baluthi.
24. Kolhar.

III. Bilgi.Tal.Bijapur Dist.

25. Sangam.
26. Birakabbi.
27. Hadrihal.
28. Koppa.
29. Muttaladinni.
30. Rolli.
31. Takkalki.
32. Korti.
33. Garadadinni.
34. Dhawaleshwar.
35. Sonna.
36. Doddihal.
37. Bellur.
38. Gudadinni.
39. Girgavi.
40. Bilgi.
41. Hanchinal.
42. Kandagal.
43. Honnihal.
44. Badaradinni.
45. Yatnatti.
46. Herkal.
47. Managur.
48. Chiniwalkoppa.
49. Kamadal.
50. Godihal.
51. Lingapur.
52. Heggur.
53. Gundanapalle.
54. Kolur.
55. Anagwadi.

IV. Bagalkot Tal Bijapur Dist.

56. Alur.
57. Mastihal.
58. ChickGulbal.
59. HireGulbal.
60. Muttatti.
61. Hiremurmatti.
62. Chick Muramatti.
63. Chick Hodlur.
64. Hire Hodlur.
65. Illyal.
66. Talgihal.
67. Shiraguppi.
68. Bannichinni.
69. Bennur.
70. Mugalolli.
71. Bagalkot.
72. Yankanchi.
73. Sidnal.
74. Andamurnal.
75. Salgundi.
76. Kadamapur.
77. Sindgi.
78. Haveli.
79. Keshnur.
80. Kadahalli.
81. Chebbi.
82. Hire Sasvi.
83. Kaladgi.
84. Kundargi.
85. Kovalli.
86. Nakrigundi.

No:-TS/UKP/64-65/9294 Date:- 4.3.1965.

1. Copy submitted to the Chief Engineer,Irrigation Project, Bangalore for information.
2. Copy submitted to the Superintending Engineer,UKP Circle Camp Almatti for information.
3. Copy submitted to the Divisional Commissioner,Belgaum,for information and with a request to issue necessary instructions to the Deputy Commissioners,Tahasildars,B.D.Os of Bijapur District,for taking suitable action.
4. Copy fd wcs to the Block Development Officer,Bilgi Petha.

Sd/- X X X.
Executive Engineer,
U.K.P.I.Dn No.1.Almatti.

" True Copy "

SAM/-
President,
Taluka Development Board,
Bilgi.

at least within a period of 20 years to come. Hence must feel it a sin to keep the Village Community in darkness when the whole world is enjoying the light of Development, especially in case of Developmental activities in agriculture for growing more food crops from the resources from their own lands.

7. People are ready to take loans for construction of irrigation wells by furnishing sufficient security and undertake to repay it within the specified time according to Takkavi Rules. Moreover, loan taken by the royats will be repaid within a period of 8-10 years and by that time the agriculturists is given an opportunity to development his own land and raise more food crops and ineffect is raising the production of 'Nation'.

Hence, in view of the above circumstances it is felt that a Government will not be at any loss by allowing to grant loans at least for irrigation wells, and minor irrigation works, construction of school rooms and drinking water wells.

This point has been represented to you at Bangalore on 16th August, 1966.

The copy of the resolution of the Taluka Development Board, Bilgi is enclosed herewith for your perusal.

This matter was agitated before the Minister for Agriculture when he was on tour in Bilgi Taluka and we received a reply from him on 4-1-1966 that our letter has been sent to Honourable Chief Minister for sympathetic consideration.

Hence it is humbly requested to waive the restrictions under Notification and allow to sanction Takkavi loans for construction of irrigation wells and minor irrigation works, construction of school rooms and drinking water wells in the villages mentioned in the Notification as said to be likely to be submerged.

Yours

(V.S.Patil.)

Copy fd. w.cs. to
1. Sri. Veerendra Patil Minister for P.W.D. Bangalore.
2. " Arur Hanamantappa Dy.Minister for Minor Irrigation, Bangalore.
3. " R.M.Patil. Minister for Devt. P.Raj. & Municipal Administration, Bangalore.
4. " S.D.Jatti. Minister for Food. Bangalore.
5. " S.S.Patil. M.P.
6. The Development Commissioner, Bangalore.

PUBLIC WORKS DEPARTMENT
UPPER KRISHNA PROJECT.

" NOTIFICATION "

Whereas the following villages are likely to be submerged under the Almatti reservoir proposed to be constructed across River Krishna, near Almatti-Bagewadi Taluka Bagewadi District Bijapur. The area lying below R.L.1710.00 is likely to be affected. As the Department concerned are therefore, requested not to take up any development work of permanent character such as buildings roads, wells, major & medium irrigation works etc, in this area.

1. Bijapur Taluka Bijapur Dist.
1. Hungargi.
2. Bavvabbi.
3. Hingadahalli.
4. Kutadandi.
5. Kaul.
6. Devanamur.
7. Jainapur.
8. Balad.
9. Shirbur.
10. Jaragi.

II. Bagewadi Taluka Bijapur Dist.
1. Kharagiri.
2. Devapur.
3. Jom
4. Bomi
5. Kam.
6. Hiri.
7. Bij
8. an
9. Ma
10. Ti
11. m
12. r.

III. Indi Taluka Bijapur Dist.
1. Jam.
2. Hubbi.
3. Tihal.
4. pa.
5. Tadinni.
6. ir
7. Kaki.
8. ti.
9. adadinni.
10. Avalashwar.
11. Una.
12. adina.
13. Tur.
14. adinni.
15. Kavi.
16. gi.
17. chinal
18. daga.
19. lina.
20. radinni.
21. tti.
22. .
23. gur.
24. wa Koppa.
25. in.

IV. Sagar Taluka Bijapur Dist.
56. Aur.
57. Mastihal.
58. Chikkuruba.
59. Hirkuruba.
60. Huttatti.
61. Hiremurnatti.
62. Chick Murnatti.
63. Chick Hegur.
64. Hire Hegur.
65. Aiya.
66. Tangiha.
67. Shiraguppi.
68. Bannighani.
69. Benmagi.
70. Mugabavi.
71. Bagalkot.
72. Yankanchi.
73. Sidna.
74. Andamurna.
75. Sangundi.
76. Kadamapur.
77. Simgi.
78. Havaladi.
79. Kashnur.
80. Kadahalli.
81. Chikbhi.
82. Hiremamaxxxxasvi.
83. Kavadgi.
84. Kumsagi.
85. Kovalli.
86. Nakrigundi.
51. Lingapur.
52. Hegdur.
53. Gundanapalli.
54. Kaur.
55. Anagwadi.

No:-TS/UKP/64-65/9294 Dated:- 4.3.1965.

1. Copy submitted to the Chief Engineer, Irrigation Project, Bangalore for information.
2. Copy submitted to the Superintending Engineer, UKP Circle Camp Almatti for information.
3. Copy submitted to the Divisional Commissioner Gulbarga, for information and with a request to issue necessary instructions to the Deputy Commissioners, Tahasildars, S.D.Os of Bijapur District, for taking suitable action.
4. Copy fd wcs to the Block Development officer, Bagi Taluka.

Sd/- X X X.
Executive Engineer,
U.K.P.I.Dn No.1, Almatti.

" True Copy "
President,
Taluka Development Board,
Bagi.

No 11 [redacted] T.D.B. [redacted]

ವಿಷಯ :- ಪೊಲಮಟ್ಟಿ ಆಣೆಕಟ್ಟಿನಿಂದ ಮುಳುಗಡೆ
ಯಾಗಬಹುದಾದ ಜಮೀನುಗಳಿಗೆ ಪರಿಹಾರವನ್ನು
ನೀಡಿಕೆಯ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ :- ಪೊಲಮಟ್ಟಿಯಲ್ಲಿ ಕುಡಿಯುವ ನೀರಿನ ಸೌಕರ್ಯವನ್ನು
ಕಲ್ಪಿಸಲಿರುವ ಆಣೆಕಟ್ಟಿನಿಂದ ಮುಳುಗಡೆಯಾಗಬಹುದಾದ ಜಮೀನುಗಳಿಗೆ
ಸರಕಾರಿ ಪ್ರಕಟಣೆ ನಂ MTS/UKP/64-65/92-94
ದಿನಾಂಕ ೪-3-೧೯೬೫ ರನ್ವಯ ಈ ಗ್ರಾಮಕ್ಕೆ ಸೇರಿದ
೩೨ ಜಮೀನುಗಳಲ್ಲಿ ಯಾವುದೇ ತರದ ಕಟ್ಟಡ ಮತ್ತು ಬೆಲೆಬಾಳುವ
(ಶಾಶ್ವತವಲ್ಲದ ಸ್ವರೂಪದ) ಕೆಲಸಗಳನ್ನು ಕೈಗೆತ್ತಿಕೊಳ್ಳಬಾರದೆಂದು ಆಜ್ಞೆಯಾಗಿ
ತಡೆಹಿಡಿದ್ದಾಗಿದೆ. ಅದರಲ್ಲಿ ಆಣೆಕಟ್ಟಿನ ಕೆಲಸವು ಮುಂದುವರಿಯಬೇಕಾದರೆ ಕನಿಷ್ಟವೆಂದರೂ ೧೫೦ ಮಜೂರ್ದಾರರು ಕೂಡಲೇ
ಬೇಕಾಗಬಹುದು. ಅಷ್ಟೊಂದು ಜನರಿಗೆ ಮುಳುಗಡೆಯಾಗಬಹುದಾದ
ಜಮೀನುಗಳ ಬದಲಿಗೆ ಮೂಲಸ್ಥಾನದ ಅಧಿಕಾರಿಗಳಿಂದ ಪರಿಶೀಲಿಸಲ್ಪಟ್ಟು ನೀಡಲ್ಪಡುವ ನೀರಿನ ಬಾವಿ, ಕಾಲಿ, ಕಾಡುಕಡಿದು ಮುಕ್ತ ಮಾಡಿ
ಹಂಚಿಕೆಯಲ್ಲಿ ಅವಶ್ಯವಿದ್ದಷ್ಟು ನೀರಾವರಿ ಬಾವಿ ಇವುಗಳ
ಜವಾಬ್ದಾರಿಯನ್ನು ಯಾವುದಾದರೊಬ್ಬ ಅರ್ಹ ವ್ಯಕ್ತಿಯ ಹೆಸರಿನಲ್ಲಿ ನೀಡಲಾಗುವುದು. ಇದಲ್ಲದೆ ಪರಿಹಾರವನ್ನು ಪಡೆಯುವ ಬಗ್ಗೆ ವಿಧಿಸಿದ್ದ ಅರ್ಹತೆಯನ್ನು ಹೊಂದಿರುವ ಸ್ಥಳೀಯ ಅಧಿಕಾರಿಗಳಿಂದ
(೧) ಕುಡಿಯಲು ನೀರಿನ ಸೌಲಭ್ಯ ಮತ್ತು ನೀರಾವರಿ (೨) ಕಾಡುಕಡಿದು
(೩) ಕಾರ್ಯಾಚರಣೆಗಳನ್ನು ರಚನೆಯ ಈಗಿನ ನಿರ್ಬಂಧಗಳನ್ನು ಸಡಿಲಿಸಲು
ಸಾಧ್ಯವಿರುವ ವಿಷಯಗಳನ್ನು ಪರಿಶೀಲಿಸಿಕೊಳ್ಳಬಹುದು.

ಸಹಿ - ಅಧಿಕಾರಿಯವರ
ಹುದ್ದೆ - " ಅಂಚೆ ವಿಳಾಸ.
ಪ್ರತಿಯನ್ನು ಮಾಹಿತಿಗಾಗಿ ಕಳುಹಿಸಲಾಗಿದೆ.

True Copy

Secy. P.W.D. may please examine.

MMJ 26/8/66 48

V.S.Patil, LL.B.,
President,
Taluk Development Board,
B I L G I. (Dist.Bijapur)

Min. for Food.

No:ADM.DEVT.66-67,
Bilgi. 20th Aug, 1966.

To

Shri. S. Nijalingappa.
Hon. Chief Minister,
Govt. of Mysore, BANGALORE.

OFFICE OF THE MINISTER FOR FOOD, BANGALORE. 27 AUG 1966 No. F Mf 41 96/66

Sir,

Sub:- Request to waive the restrictions laid under Govt. Notification issued by the Executive Engineer, U.K.P.I.-Dn. No.1. Almatti under his No.SS/UKP/64-65/9294 dated. 4th March, 1966.

On the perusal of copy of the Notification enclosed herewith, it has come to the notice of the villagers that 86 villages mentioned in the same Notification will be affected by depriving them from taking developmental works of permanent character which is an impediment to the development and hinders the economic programs of the village community. It is requested to consider the following points in the interest of the better-ment of village community and to raise the food crops and to meet the emergency conditions.

MYSORE GOVT. SEC. No 2985 30 AUG 1966 P.W.D. (REC.)

1. It is requested by the Taluka Board and the villagers that the said Notification will work hardship and it should be waived. The said Notification is very vague and is not clear. It is not definite how much portion of the area of each village will actually come under submergence. The words likely to be submerged shows indefiniteness of time and area. No boundaries have been fixed by surveying the area to be covered under the submergence.

2. The District Development Council has moved the Govt. to waive the said Notification but still it is pending with the Government.

D/S P.D. 26/8

3. It has been notified that only pump sets can be fixed by the agriculturists under Takkavi or Hire Purchase Scheme

4. There are many applications which have been refused by the sanctioning authorities in respect of grant of Takkavi loans for construction of irrigation wells.

1/ P.D. 30/8

5. It may kindly be noted that one is at a loss to know when the Upper Krishna Dam is likely to be commenced and completed.

1-55 h PWD (66) 30/8

6. Under the present conditions when our 'Jawans' placed for fighting in the North against the Pak & Chin[illegible] protect our Country [illegible]

Natu[illegible]

51

Abstract copy of resolution No 1 of
T.D.B meeting held on 16-8-1966.

ವಿಷಯ ~ ಹಲಮಟ್ಟಿ ಅಣೆಕಟ್ಟಿನಿಂದ ಮುಳುಗಡೆಯಾಗಿ ಬರುವಾದ ಕುಳ್ಳಗಳಲ್ಲಿ ಅಭಿವೃದ್ಧಿ ಕಾರ್ಯಗಳನ್ನು ಕೈಗೊಳ್ಳುವ ಬಗ್ಗೆ.

ಠರಾವು ~ ಹಲಮಟ್ಟಿಯಲ್ಲಿ ಕೃಷ್ಣಾನದಿಗೆ ಕಟ್ಟಲಿರುವ ಅಣೆಕಟ್ಟಿನಿಂದ ಮುಳುಗಡೆಯಾದ ಕುಳ್ಳಗಳಲ್ಲಿ ಸರಕಾರಿ ಪ್ರಕಟಣೆ ನಂ TS/UKP/64-65/9294 ದಿನಾಂಕ 4-3-1965 ರಲ್ಲಿ ಕಲ್ಪಿಸಿರುವ ಅಂಗಸೌಲಭ್ಯಗಳಲ್ಲದೆ ಈ ಕುಳ್ಳಗಳಲ್ಲಿ ಇರುವಂಥ ಆದರೆ ಕಟ್ಟಡಗಳಿಲ್ಲದ ಶಾಲೆಗಳನ್ನು (ಶಾಶ್ವತವಾಗಿ ಸ್ಥಳಾಂತರವಾದ) ಕೈಗೊಳ್ಳಲಾಗದೆಂದು ಆಳ್ವಿಕೆಯು ತೀರ್ಮಾನಿಸಿದೆ. ಮೇಲಿನ ಅಣೆಕಟ್ಟಿನಲ್ಲಿ ಶಾಲೆಯನ್ನು ಪೂರ್ಣವಾಗಿ ಬೇರೆಡೆಗೆ ಸ್ಥಳಾಂತರಿಸಲು ಕನಿಷ್ಟ ೧೪-೨೦ ವರ್ಷಗಳು ಹಿಡಿಯಬೇಕಾಗಬಹುದು. ಶಾಲೆಯಿಂದ ದೂರದಲ್ಲಿ ಮುಳುಗಡೆಯಾಗಿ ಬರುವಾದ ಕುಳ್ಳಗಳ ಜನರಿಗೆ ಮೂಲಭೂತ ಪ್ರಾಥಮಿಕ ಶಿಕ್ಷಣಕ್ಕಾಗಿ ಶಾಲೆಯನ್ನು ತೆರೆಯುವ ನೀತಿಯ ಬಾಬ್ತಿ, ಶಾಲೆ, ಕಾಯಂ ಶಿಕ್ಷಕರನ್ನು ಮತ್ತು ಅಧಿಕಾರಿಯನ್ನು ಅಭಿವೃದ್ಧಿಗೆ ತೆರೆಯಲಿಚ್ಛಿಸುವ ನೀತಿಯ ಬಾಬ್ತಿ ಇವುಗಳಲ್ಲಿ ಕಂಡುಬರುವ ಕುಂದುಕೊರತೆಗಳನ್ನು ಮನಗಂಡಿರುವುದಲ್ಲದೆ ಮೇಲೆ ಬೇಡಿಕೆಯಾದ ಅಭಿವೃದ್ಧಿಕಾರ್ಯಗಳನ್ನು ನಿಗದಿಪಡಿಸಿದೆಯಾದರೂ ಇದಲ್ಲದೆ ಇನ್ನೂ ಮುಳುಗಡೆ ಪ್ರದೇಶದಲ್ಲಿ ಮುಳುಗಡೆಯಾಗಿ ಬರುವಂಥ ಕುಳ್ಳಗಳಲ್ಲಿ ಅಭಿವೃದ್ಧಿಕಾರ್ಯಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ಈ ಸಭೆಯು ನಿರ್ಧರಿಸಿದೆ. ಇವುಗಳಿಂದ ಕುಳ್ಳಗಳ ಅಭಿವೃದ್ಧಿಕಾರ್ಯಗಳಾದ ೧) ಶಾಲೆಯನ್ನು ತೆರೆಯುವ ನೀತಿಯ ಬಾಬ್ತಿ, ಕಾಯಂ ಶಿಕ್ಷಕರಿಗಾಗಿ ಬಾಬ್ತಿ ೨) ಶಾಶ್ವತವಾದ (೩) ಕಾಯಂ ಕಟ್ಟಡಗಳನ್ನು ಕಟ್ಟಲು ಈ ಸಭೆಯು ನಿರ್ಧರಿಸಿದ ನಿರ್ಣಯಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಸರಕಾರಕ್ಕೆ ವಿನಂತಿಸಿಕೊಳ್ಳಬೇಕು.

ಕಾಗಿಲೆ - ಅಧ್ಯಕ್ಷರಿಗಾಗಿ
ಪ್ರಮುಖಾಧಿಕಾರಿ - ಟಿ.ಡಿ.ಬಿ.

ಪ್ರಕಾಶ್ ನಿವಾಸಿನು ಮತದಿಂದ ಪಾಸಾಯಿತು.

True Copy

of Executive
Bdg

52

GOVERNMENT OF MYSORE

No. DPC 169 VAD 66.

MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

FROM

Dated, Bangalore, 8-9-1966

The *Secretary to the Government of Mysore,*
Devt.Housing, P.Raj and Co-opn.Deptt.

To

3130
8 SEP 1966
91

The Chief Engineer (Irrigation),
Bangalore.

Sir,

Sub: Request to waive the restrictions laid under Govt. Notification issued by the Executive Engineer, U.K.P.1.-Dn. No.1. Almatti under his No.RS/UKP/64-65/9294 dated 4th March, 1966.

I am directed to forward herewith a copy of petition dated 20-8-1966 from Shri.V.S.Patil, President, Taluk Development Board, Bilgi District, Bijapur addressed to the Minister for Development, Panchayati Raj and Municipal Administration on the above subject, and to request you kindly to furnish a detailed report to Government, in the matter, immediately.

Yours faithfully,

Sd/-

(SYED GULAM KHASA).
Under Secretary to Government,
Devt.Housing, P.Raj and Co-opn.Deptt.

Copy of the above, is forwarded to the Secretary to Government, P.W.D. with a request to send if there is a file in this connection.

S. Gulam Khasa
Under Secretary to Government,
D.H.P.C.Department.
7/9/66

This may be ~~listed in prop~~ ~~Executive Engineer~~

KSSW 9.9.66.

9/9.

Copy of letter No. ADM.DEVT.66-67 dated 20-8-66 from Sri.V.S.Patil, LL.B., President, Taluk Development Board, Bilgi, District Bijapur, addressed to Shri. S. Nijalingappa, Hon. Chief Minister, Govt. of Mysore, Bangalore.

Sub: Request to waive the restrictions laid under Govt. Notification issued by the Executive Engineer, U.K.P.1. Dn. No.1. Almatti under his No. TS/UKP/64-65/9294 dated 4th March. 1966.

On the permsal of copy of the Notification enclosed herewith, it has come to the notice of the villagers that 86 villages mentioned in the same Notification will be affected by depriving them from taking developmental works of permament character which is an impediment to the development and hinders the economic progress of the village community. It is requested to consider the following points in the intrest of the betterment of village community and to raise the food crops and to meet the emergency conditions.

1. It is requested by the Taluka Board and the Villagers that the said Notification will work hardship and it should be waived. The said Notification is very vague and is not clear. It is not definite how much portion of the area of each village will actually come under submergence. The words likely to be submerged shows indefiniteness of the time and area. No boundaries have been fixed by surveying the area to be covered under the submergence.

2. The District Development Council has moved the Govt. to waive the said Notification but still it is pending with the Government

3. It has been notified that only pump sets can be fixed by the agriculturists under Takkavi or Hire Purchase Scheme

4. There are many applications which have been refused by the sanctioning authoritiesin respect of grant of Takkavi loans for construction of irrigation wells.

5. It may kindly be noted that one is at a loss to know when the Upper Krishna Dam is likely to be commenced and completed.

6. Under the present conditions when our Jawans are placed for fighting in the North against the Pak and China to protect out Country and the reyats are fighting against the Nature and adlpt incentiveness to grow More Good Crops. It is hoped that proposed Dam i.e. Upper Krishna Project is not likely to come up at least within a period of 20 years to come. Hence we feel it a sin to keep the Village Community in darkness when the whole workd is enjoying the light of Development, especially in case of Developmental activities in agriculture for growing more food crops from the resources from their own lands.

p.t.o.

7. People are ready to take loans for construction of irrigation wells by furnishing sufficient security and under take to repay it within the specified time according to Takkavi Rules. Moreover, loan taken by the royats will be repaid within a period of 8-10 years and by that time the agriculturist is given an apportunity to develop his own land and raise more food crops and ineffect in raising the production of "Nation".

Hence in view of the above circumstances it is felt that a Government will not be at any loss by allowing to grant loans at least for irrigation wells, and minor irrigation works, construction of school rooms and drinking water wells

This point has been represented to you at Bagalkot on 16th August, 1966.

The xx copy of the resolution of the Taluka Development Board. Bilgi is enclosed herewith for your perusal.

This matter was ajitated before the Minister for Agriculture when he was on tour in Bilgi Taluka and we received a reply from him on 4-1-1966 that our letter has been sent to the Honourable Chief Minister for sympathetic consideration.

Hence it is humbly requested to wave the restructions under Notification and allow to sanction Takkavi loans for construction of irrigation wells and minor irrigation works, construction of school rooms and drinking water wells in the villages mentioned in the Notification as said to be likely to be submerged.

OVERNMENT OF MYSORE
UBLIC WORKS DEPARTMENT
UPPER KRISHNA PROJECT

55

" NOTIFICATION "

The following villages are likely to be submerged under the Almatti reservoir proposed to be constructed across River Krishna, near Almatti village, Taluka Bagewadi District Bijapur. The area lying below R.L.1710.00 is likely to be affected. All the Departments concerned are therefore, requested not to take up.any developmental work of permanent character such as buildings roads, wells, major and medium irrigation works etc., in this area.

I. Bijapur Taluk, Bijapur Dist.

1) Hangargi
2. Bellubbi
3) Ningadahalli
4) Sutagandi
5) Hosur
6) Devargonnur
7) Jainapur
8) Bablad
9) Shirbur
10) Jambgi

II. Bagewadi Tal, Bijapur Dist.

11) Chandragiri
12) Devalapur
13) Gonal
14) Benal
15) Almatti
16) Chimmalgi
17) Majjekop
18) Maradgi
19) Gani
20) Bisalkop
21) Sidhmath.
22) Halerolli
23) Daruthi
24) Kolhar

III. Bilgi,Tal, Bijapur Dist.

25) Sangam
26) Birakabbi
27) Hadrihal
28) Koppa
29) Muttaladinni
30) Rolli
31) Takkalki
32) Korti
33) Garadadinni
34) Dhawaleshwa
35) Sonna
36) Doddihal
37) Ballur
38) Gudadinni
39) Girgavi
40) Badgi
41) Hanchinal
42) Kandagal
43) Honnihal
44) Badaradinni
45) Yatnatti
46) Horkal
47) Managur
48) Chiniwalkoppa
49) Kamadal
50) Godihal
51) Lingapur
52) Heggur
53) Gundanapalle
54) Kolur
55) Anagwadi

IV. Bagalkot Tal, Bijapur Dist.

56) Alur
57) Mastihal
58) Chickgulbal
59) Hirogulbal
60) Muttatti
61) Hiremurmatti
62) Chick Murumatti
63) Chick Hodlur
64) Hire Hodlur
65) Ilyal
66) Talgihal
67) Shiraguppi
68) Bannichinni
69) Bennur
70) Mugalolli
71) Bagalkot
72) Yankanchi
73) Sidnal
74) Andamurnal
75) Salgundi
76) Kadamapur
77) Sindgi
78) Haveli
79) Keshnur
80) Kadahalli
81) Chebbi
82) Hire Sasvi
83) Kaladgi
84) Kundargi
85) Kovalli
86) Nakrigundi.

Disposal of Resolution passed in
T.D.B. meeting held on 16.5.1966

GOVERNMENT OF MYSORE.

57

Office of the Chief Engineer, P.W.D.,
Irrigation Projects in Mysore,
'Park House', Bangalore-1.

No. 102/P

Dated 7-6-66

To

The Secretary to Government,
Public Works Department,
"Vidhana Soudha",
Bangalore-1.

SECRETARY TO GOVERNMENT
No. 758
8 JUN 1966
PUBLIC WORKS & ELEC. DEPT.

Sir,

Sub:- Developmental activities in the villages likely to be submerged under the proposed Almatti Reservoir.

Ref:- Government Memo No.PWD.1280.GI.66 dated 26th April 1966.

...

Government have issued orders that no works of developmental nature should be taken up in areas likely to be affected by the execution of projects. Government have further directed that officers empowered to accord technical sanction to works of developmental nature should invariably make sure by consulting the PWD Officers concerned that expenditure on such works is not likely to become infructuous by reason of an irrigation project having been administratively sanctioned etc., This subject has very often been discussed.

I am personally of the opinion that this has resulted in very hardship to the people in the submergance area for no fault of theirs. For one reason or the other, but mainly for financial reasons, the projects are going so slow that it may take at least a decade or more for the projects to be completed. In the meanwhile, if all developmental works are suspended, the inhabitents of the submergance area would be at disadvantage through out the period compared to the more fortunate brethern staying elsewhere in the State.

I, therefore, strongly recommend to Government to reconsider the entire issue, make a correct assessment of the period involved in the completion of a project. If the period involved is such that it would be worthwhile for the Government to consider the issue of Development Loans and allow the community to prosper, it is desirable that Developmental Loans are given though they may have to be compensated or written off at a later date. Such a step would lead to prosperity of the community and the country at large.

The Government memo under reference is returned herewith in original.

Yours faithfully,

(I.M.Magdum)
Chief Engineer, PWD.,
Irrigation Projects.

P.T.O.

This will may be [illegible] up after return of [illegible] main file PWD 17 Q Nk 65 dated 17.2.66 [illegible] 66 [illegible]

[illegible]

[illegible]

[

OFFICE OF THE CHIEF MINISTER
29 MAR 1967
BANGALORE

LEGISLATIVE ASSEMBLY
MYSORE

18.4.67

[illegible] M.L.A

[illegible]

[illegible] 28-3-67

[illegible]

[illegible]

[illegible] 20-25 [illegible]

[illegible]

[illegible] 30-40 [illegible]

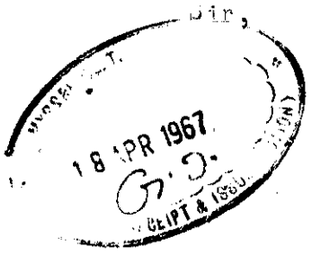
[illegible]

From

Shri B.T.Karnal, M.L.A.
Bagalkot

Bagalkot.
5.4.1967

Sir,



Subject:- Allowing development activities in 48 villages of Bilgi and Bagalkot Talukas.....

Government have stopped all development activities in 48 villages of Bilgi and Bagalkot Talukas which are located along the banks of Ghataprabha and Krishna rivers as they were likely to be submerged by the construction of dam at Almatti. Even the advancement of Tagai loans and loans through the Land Mortgage Bank have been stopped in these villages as a result of which the economic condition of the villagers of these villages is deteriating. Shri S.B.Patil, M.P. and all M.L.As and M.L.Cs of this area had represented to you during your visit to this place on 19-1-1967, that the construction of dam at Almatti is likely to be delayed for some time, the development activities in these villages could not be stopped and the villagers kept under suspense. In these days of acute shortage of foodgrains, it is not wise to stop improvements to agricultural lands in this vast area comprising of 48 villages. The villagers will get back what they invest in these lands towards improvement within 8 or 10 years. By this, the economic condition of the villagers would be improved besides increase in the total production of foodgrains. After being convinced of these facts; you were kind enough to send telegrams to the Finance Minister and Chief Secretary on 19.1.1967 from Bagalkot camp to issue orders withdrawing the Government orders stopping development activities and advance Tagai loans etc., in the above villages. But so far, no orders have been received in the matter. I therefore request you to issue early orders in the matter.

Yours sincerely

(B.T.Karnal)

Shri S.Nijalingappa
Chief Minister Government of Mysore,
Vidhana Soudha, Bangalore-1

Secy. PWD. 1/3/4
M No 261 Date
D S (I)

No PWD/Q11/62/67

To
The C.E.I.P.
Sir,

Sub:- As at P 3 Cf.

I am forwarding herewith a Copy of letter dated 6.4.67 from Sri B.T. Nemrad. MLA, Bagalkot addressed to the CM. in the above subject, I am directed to state that the CM desires to discuss this matter with you. Therefore it is Convenient to discuss the issue with CM early.

P get a Copy. P 3 Cf

Y.F
1
US PWD(T)

Copy for information:-
i) PS to CM
ii) PA to Secy, PWD.

18/4/67

62

Government of Mysore

No.PWD 916 SI 67.

Mysore Government Secretariat
"Vidhana Soudha"
Bangalore, dated 19-4-'67

From

The Secretary to Govt. of Mysore,
Public Works Department, Bangalore,

To

The Chief Engineer,
Irrigation Projects,
BANGALORE.

Sir,

Sub:- Allowing development activities in 48 Villages of Bilgi and Mugalkot Talukas.

In forwarding herewith a copy of letter dated 6-4-67 from Sri B.T.Nurnal M.L.A., Mugalkot addressed to the Chief Minister on the above subject, I am directed to state that the Chief Minister desires to discuss this matter with you. Therefore please make it convenient to discuss the issue with Chief Minister early.

Yours faithfully,

(S.K.Mehta)
Under Secretary to Government,
Public Works Department.

kjp/19-4-67.

Copy for information:-

1) Private Secy. to Chief Minister.
2) P.A. to Secy. Public Works Department.

From

Shri B.T.Murnal, M.L.A.
BAGALKOT

Bagalkot.
6.4.1967

Sir,

Subject:- Allowing development activities in 48 villages of Bilgi and Bagalkot, Bagewadi & Bijapur Talukas.....

ND.PSPL 97/67

Secretary DPC to discuss this matter in detail and how it can be relaxed. The Collector's report is awaited. Hon'ble Min.(Rev) may please consider this and expedite.

Min.(DPC)

Government have stopped all development activities in 48 villages of Bilgi and Bagalkot Talukas which are located along the banks of Ghataprabha and Krishna rivers as they were likely to be submerged by the construction of dam at Alimatti. Even the advancement of tagai loans and loans through the Land Mortgage Bank have been stopped in these villages as a result of which the economic condition of the villagers of these villages is deteriorating. Shri S.B.Patil, M.P. and all M.L.As and M.L.Cs of this area had represented to you during your visit to this place on 19-1-1967, that the construction of Dam at Alimatti is likely to be delayed for some time, the development activities in these villages could not be stopped and the villagers kept under suspense. In these days of acute shortage of foodgrains, it is not wise to stop improvements to agricultural lands in this vast area comprising of 48 villages. The villagers will get back what they invest in these lands towards improvement within 8 or 10 years. By this, the economic condition of the villagers would be improved besides increase in the total production of foodgrains. After being convinced of these facts; you were kind enough to send telegrams to the Finance Minister and Chief Secretary on 19.1.1967 from Bagalkot camp to issue orders withdrawing the Government orders stopping development activities and advance tagai loans etc., in the above villages. But so far, no orders have been received in the matter. I therefore request you to issue early orders in the matter.

Yours sincerely
B.T.Murnal

(B.T.Murnal)

Shri S.Nijalingappa,
Chief Minister Government of Mysore,
Vidhan Soudha, Bangalore.1

Copy to Shri P.M.Nadagouda, Minister for Co.operation and Panchayat Raj Government of Mysore, Vidhan Soudha, Bangalore-1- with a request to move Government to issue necessary orders in the matter.

(B.T.Murnal)

DHPC Prog. A
No.362(1) Dated 2) 4/67

DDC DHPC
No. Dated 20/4

Proposed note to CM.

MEMBER LEGISLATIVE ASSEMBLY * MYSORE *

No. DPC dt 7/67

B J Murnal MLA

Bagalkot 1-4-67

To

The Hon minister for Development, Corporation

Secretary DPC

In the matter of Panchayat Raj mysore Govt Bangalore

Sir,

DDC. DHPO No. 1706 Date 26/4

I have the honour to state that you are aware that much inconvenience caused to the poor ryots of 40 Villages under Malaprabha Project as all developmental works are stopped which have already been carried out Low lying Villagers who have applied to the Land development Bank for sanctioning Taccavi loan for improving their lands are not getting loan as the central Land development Bank is disinclined to sanction loan to such Villages

It may take 10-15 years to complete the Ulk Project. Hence it is requested to cancel the Cabinet to rescind the order already issued for stopping

DDC) 4/4/67

W/S pooja

Secy. DHPC
No: 2550 Date 25/4

all developmental works. Early action Taken in the matter may be Communicated to me as this matter is Very urgent.

yours faithfully
Bt mumtaz

65

Government of Mysore

(21) No.PWD 916 GI 67.

Mysore Government Secretariat
'Vidhana Soudha"
Bangalore, dated 19-4-'67

From

The Secretary to Govt. of Mysore,
Public Works Department, Bangalore.

To

The Chief Engineer,
Irrigation Projects,
BANGALORE.

Sir,

Sub:-Allowing development activities in 25 Villages of Bilgi and Bagalkot Talukas.

In forwarding herewith a copy of letter dated 6-4-67 from Sri B.T.Murnal M.L.A., Bagalkot addressed to the Chief Minister on the above subject, I am directed to state that the Chief Minister desires to discuss this matter with you. Therefore please make it convenient to discuss the issue with Chief Minister early

Yours faithfully,

(S.K.Mohan. 19.4.67)
Under Secretary to Government,
Public Works Department(Techn.

Sri TMB) 20/4

kjp/19-4-67/64.

Copy for information:-

1) Private Secy. to Chief Minister.
2) P.A. to Secy. Public Works Department.

From

Shri B.T.Murnal., M.L.A.,
BAGALKOT.

Bagalkot.
6-4-1967.

Sir,

Sub:- Allowing development activities in 48 villages of Bilgi and Bagalkot Talukas.

Govt. have stopped all development activities in 48 villages of Bilgi and Bagalkot Talukas which are located along the banks of Ghataprabha and Krishna rivers as they are likely to be submerged by the construction of dam at Alimattti. Even the advancement of Tagai loans and loans through the Land Mortgage Bank have been stopped in these villages as a result of which the economic condition of the villagers of these villages is deterioting. Shri S.B.Patil, M.P., and all M.L.As. and M.L.Cs. of this area had represented to you during your visit to this place on 19-1-1967, that the construction of Dam at Alimatti is likely to be delayed for some time, thedevelopment activities in these villages could not be stopped and the villagers kept under suspense. In these days of acute shortage of foodgrains, it is not wise to stop improvements to agricultural lands in this vast area comprising of 48 villages. The villagers will get back why-th--what they invest in these lands towards improvement within 8 or 10 years. By this, the economic condition of the villagers would be improved besides increase in the total production of foodgrains. After being convinced of these facts; you were kind enough to send telegrams to the FinanceMinister and Chief Secretary on 19-1-1967 from Bagalkot Camp to issue orders withdrawing the Government Orders stopping ddvelopment activities and advance tagai loans etc., in the above villages. But so far, no orders have been received in the matter. I therefore request you to issue early orders in the matter.

Yours sincerely,
Sd/-
(B.T.Murnal)

Shri S.Nijalingappaji,
Chief Minister of Govt. of Mysore,
Vidhana Soudha,Bangalore-1.

// Copy //

OF THE CHIEF MINISTER
30 MAY 1967
650

Bagalkot,
Dated:-6th April,1967

From:-

Shri. B.T.Murnal. M.L.A.
Bagalkot.

67

Subject:- Allowing development activities in 48 villages of Bilagi and Bagalkot Talukas.

Sir,

Government have stopped all development - activities in 48 villages of Bilagi and Bagalkot, Bijapur Bagewadi Talukas which are located along with the Banks of Ghataprabha and Krishna River as they were likely to be submerged by the construction of Dam at Alimatti. Even the advancement of tacavi loans and loans through the Land Mortgage Banks have been stopped in these villages as a result of which the economic condition of the villagers of these villagers is deteriorating. Shri.S.B. Patil, M.P. and all M.L.As and M.L.C's. of this area had represented to you during your visit to this place on the 19th January 1967, that the construction of Dam at Alimatti is likely to be delayed for some time, the developmental activities in these villages could not be stopped and the villagers kept under suspense. In these days of acute - shortage of food-grains, it is not wise to stop improvements to agricultural land in this vast area comprising of 48 villages. The villagers will get back what they invest in these lands towards improvement within 8 or 10 years. By this, the economic condition of the villagers would be improved besides increase in the total production of - foodgrains. After being convinced of these facts, you were kind enough to send telegrams to the Finance Minister and Chief Secretary on 19-1-1967 from Bagalkot camp to issue orders withdrawing the Government Orders stopping develop--mental activities and advancing tagavi loans Etc. in the above villages. But so far, now orders have been received in this matter. I, therefore, request you to issuce early orders in the matter.

Yours Sincerely.
B T Murnal
(B.T.Murnal.)

SECRETARY TO GOVT. No. Mbl 4 Date 28 JUN 1967 PUBLIC WORKS & ELEC. DEPT.

Shri. S.Nijalingappa.
Chief Minister Government Of Mysore,
Vidhan Soudha, Bangalore. 1

Copy to Shri. P.M. Nadagouda, Minister for Co-operation and Panchayat Raj, Govermnet Of Mysore, Vidhan Soudha Bangalore.1, with a request to move Government to issue necessary orders in the matter.

Private Secretary,
to the Chief Minister.

68

development

Sub: Constructional works in the Sub-mergible areas.... in the Taluka....

.....

No. TDB
Bagalkot. 17-7-1967.

Secy. DHPC

To No. 5411 Date 25/7

The Hon'ble Minister for
Development Panchayat Raj and
Co-operative Department,
Vidhana-Soudha, Bangalore.

Sir,

We learnt today that the Krishna - Project work will start soon a fresh in brisk - which was little handicapped hitherto. Due to this project lot of villages will be sub-merged and as per Government instructions no constructional works like School Building and wells can be taken up for execution. This has deprived off the bare necessity of the people of that area, like School Building, Drinking water Wells etc.

It may take some time for completion of this Upper Krishna Project and till then these - constructional works willnx not be taken up unless specifically ordered by the Government to do so. I am receiving so many petetions from the rayats of these villages to lift this Government order regarding the banning of constructional works - and it has become a hard job for me to convince the people.

P.T.O.

P. M. NADGOUDA
Min. for Dev. & Co-operation.

24/7/67
P. M. NADGOUDA
Min. for Dev. & Co-operation.

Secy (DHPC)

If temporary constructions for schools & irrigation wells etc., are permitted, these may be very easily taken up and the schools now housed in the - temples and chawadis may be very easily shifte to new buildings and too many wells willbe - taken up for irrigation and for drinking water - supply.

I am therefore to request you to - kindly issue necessary instruction to goahead with the temporary constructions of School - buildings etc., till completion of the Upper - Krishna Project.

Early action is requested in the - matter.

Yours faithfully,

[illegible]
President,
Taluka Development Board,
Bagalkot.

m/-

PWD 17 Luk68.

To
The Divisional Commr. Belgaum

Sir,

Sub: Allowing Development activities in 48 villages of Bijapur Dist.

Wh to Govt letter No R.D.TAG. SR.1193 dated 19.6.67 I am directed to refer to Govt. R.D. in the above subject. I am directed to request you kindly to furnish immediately a list of such activities with an estimate showing the details of works and their cost and also provision available in the budget. ~~for taking up development activities in these villages~~

PWD

Yours faithfully,
Sd/-
US(T)
4/9/67

GOVERNMENT OF MYSORE

No. PWD 17 GUK 65.

Mysore Government Secretariat, Vidhana Soudha, Bangalore, dated 15 Sept. '67.

From

The Secretary to Government of Mysore, Public Works Department, Bangalore.

To

The Divisional Commissioner,

Belgaum.

Sir,

Sub:- Allowing Development activities in 48 villages of Bijapur District.

—:o:—

With reference to your letter No. RB.RAS SR.1193 dated 19-6-67 addressed to the Secretary to Government, Revenue Department on the above subject, I am directed to request you kindly to furnish immediately a list of such villages as are being coming under submergence of U.K.P. and details of works their cost and also provision available in the budget.

Issued Dated 15/9/67

Yours faithfully,

(S.K. M e h a r),
Under Secretary to Government,
Public Works Dept. (Technical).

Kakah/-

D/c

Draft

No.PWD 17 GUK 65

Circular Memorandum.

Sub:-Developmental activities in the villages which are likely to be submerged by the construction of Upper Krishna Project -- Relaxation of restriction imposed on --

In the Circular Memorandum No.PWD 34 MGL 59 dtd 19.8 it has been directed that the works involving creation of Capital assets should not be ~~xxbmxxgxx~~ taken up in the area likely to be submerged by the execution of Major Irrigation Projects. There have been many representations to Govt. from the people of those areas which are likely to be submerged by the construction of Upper Krishna project requesting to waive the restrictions imposed on taking up developmental activities, in view of the fact that it would take quite some time to complete the Reservoir. Govt. have reviewed this issue in the light of existing circumstances and are pleased to direct that in partial modification of the Memorandum cited, that ~~the taking up of~~ developmental works like a) primary schools buildings (b) approach roads, (c) Drinking water wells and small Minor Irrigation works ~~costing less than Rs.25000/-~~ which will not ordinarily exceed Rs.25000/- each may be taken up and completed in the areas of those villages which are likely to be submerged by the construction of Upper Krishna Project by utilising the amounts made available for the purpose in the budget of respective departments.

This issues with the concurrence of the Finance Department in their U.O.No.FD/5482/W1 of 16.10.67.

28/10/67

Dy.Secretary to Govt.
PWD(Irrgn.)

To

The C.E. Irrigation Projects,North,Dharwar.
The Chief Engineer (G),Bangalore.

Divisional Commissioner,Belgaum Dn. Belgaum.

Deputy Commissioner, Belgaum Dist.

Deputy Commissioner, Belgaum District.

Copy to:

Revenue Department.

D.P.C.Department.

P.S. to the Minister for Development & Co-operation.

The Minor Irrigation,P.W.D.

Buildings Section.

Communication Section.

~~C.E.(Gen). P.W.D. Office, Bangalore.~~

CE (9) - South

CE (9) - North

~~Divisional Commissioner, Belgaum Division, Belgaum.~~

Divisional Commissioner, Gulbarga Division, Gulbarga.

72

GOVERNMENT OF MYSORE

No.PWD 17 GUK 67.

Mysore Government Secretariat,
"Vidhana Soudha"
Bangalore, dated 6-11-1967.

Circular Memorandum.

Sub: Developmental activities in the villages which are likely to be submerged by the construction of Upper Krishna Project - Relaxation of restriction imposed on - .

In the Circular Memorandum No.PWD 34 MGL 59 dt.19.8.59 it has been directed that the works involving creation of Capital assets should not be taken up in the area likely to be submerged by the execution of Major Irrigation Projects. There have been many representations to Government from the people of those areas which are likely to be submerged by the construction of Upper Krishna Project requesting to waive the restrictions imposed on taking up developmental activities, in view ofthe fact that it would take quite some time to complete the Reservoir. Government have reviewed this issue in the light of existing circumstances and are pleased to direct that in partial modificatio of the Memorandum cited, that developmental works like a) primary schools buildings (b) approach roads, (c) Drinking water wells and small Minor Irrigation works which may irrigate not more than 100 acres each may be taken up and completed in the areas of those villages which are likely to be submerged by the construction of Upper Krishna Project by utilising the amounts made available for the purpose in the budget of respective departments.

This issues with the concurrence of the Finance Department in their U.O.No.FD/5482/A1 of 16.10.67.

6/11/67

M Channappa 3/11/67
(M.Channappa)
Deputy Secretary to Government,
Public Works Department(I)

To:-

The Chief Engineer(I.P), North, Dharwar.
The Chief Engineer(General), Bangalore.
The Divisional Commissioner, Belgaum Division, Belgaum.
The Deputy Commissioner, Belgaum District, Belgaum.
The Deputy Commissioner, Bijapur District.

Copy to:-

The Revenue Department/D.P.O.Department,
The Private Secretary to the Minister for Development & Co-operation
The Minor Irrigation, P.W.D./Buildings Section/Communication Section
The Chief Engineer(I.P), South, Bangalore.
The Divisional Commissioner, Gulbarga Division, Gulbarga.

/K.S.KUMAR:31.10./

GOVERNMENT OF MYSORE

No.PWD 17 GUK 67.

Mysore Government Secretariat,
"Vidhana Soudha"
Bangalore, dated 6-11-1967.

Circular Memorandum.

Sub: Developmental activities in the villages which are likely to be submerged by the construction of Upper Krishna Project - Relaxation of restriction imposed on - .

In the Circular Memorandum No.PWD 34 MGL 59 dt.19.8.59 it has been directed that the works involving creation of Capital assets should not be taken up in the area likely to be submerged by the execution of Major Irrigation Projects. There have been many representations to Government from the people of those areas which are likely to be submerged by the construction of Upper Krishna Project requesting to waive the restrictions imposed on taking up developmental activities, in view ofthe fact that it would take quite some time to complete the Reservoir. Government have reviewed this issue in the light of existing circumstances and are pleased to direct that in partial modificatio of the Memorandum cited, that developmental works like a) primary schools buildings (b) approach roads, (c) Drinking water wells and small Minor Irrigation works which may irrigate not more than 100 acres each may be taken up and completed in the areas of those villages which are likely to be submerged by the construction of Upper Krishna Project by utilising the amounts made available for the purpose in the budget of respective departments.

This issues with the concurrence of the Finance Department in their U.O.No.FD/5482/V1 of 16.10.67.

M Channappa 3/11/67

(M.Channappa)
Deputy Secretary to Government,
Public Works Department(I)

To:-

The Chief Engineer(I?). North, Dharwar.
The Chief Engineer(General), Bangalore.
The Divisional Commissioner, Belgaum Division, Belgaum.
The Deputy Commissioner, Belgaum District, Belgaum.
The Deputy Commissioner, Bijapur District.

Copy to:-

The Revenue Department/D.P.C.Department,
The Private Secretary to the Minister for Development & Co-operatic
The Minor Irrigation, P.W.D./Buildings Section/Communication Sectic
The Chief Engineer(I?), South, Bangalore.
The Divisional Commissioner, Gulbarga Division, Gulbarga.

/K.S.KUMAR:31.10.7

CRYSTALINFOSYSTEMS AND SERVICES

Bar Code

80722152

Class 'B'

File No. PWD 7 LBW 65

MYSORE GOVERNMENT SECRETARIAT

Notes/Correspondence/Collection

Department P.W.D. Section Special Irrigation

Subject:— Mysore Irrigation (Levy of Water Rates) Rules 1965 – Levy of penalties for unauthorised use of water – clarification sought for –

Earlier References:—

Later References:—

(Classification A/B/C)

Notes Pages 55

Correspondence Pages 78

For/Not for Section note Book

To be destroyed after .....

B. N. Lath
For Under Secretary to Government.
M
9/9/71

1/11

24/4/168
9/9/71

Note Continuation Sheet

Subject... Mysore Irrigation (Levy of) Water Rates) Rules 1965 - Levy of penalties on unauthorised use of water - Clarification

File No. PWD 7 LBR 65 Part-II

Reference and markings	Notes and Orders	Para Numbers

Receipt No. 360/1D/Sp/66 from the Divisional Comm. Gulbarga Division -

(1) Orders of the Secretary PWD are in the PWD.

V. urgent -

C.P. 28/9.

D/S(C)

2) The Divisional Comm. Gulbarga Division has sought for Clarifications on the following points - and requested to communicate orders of Govt at an early date -

1.) The Officer Competent to levy water-rate under Section 28(5) of the Mysore Irrigation Act., has not been prescribed in the Rules made thereunder.

2) Since the Irrigation Act, has come into force on 1.1.1966, Govt orders regulating the levy of penalties on unauthorised use of water in P.B.P areas has ceased to be extended with effect from the commencement of the Act.

3) As regards point 1) it may be stated that the main duty bearing

P.T.O.

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Note Continuation Sheet

Subject: Mysore Irrigation (Levy of water rates) Rules 1965 Levy of penalties for unauthorised use of water - Clarifications

File No. PWD 7 LRS 65 - II

WD 014899—GPB—6,00,000—11-8-66

Reference and markings	Notes and Orders	Para Numbers

No PWD 7 LRS 65 wherein a series of amendments to the Mysore Irrigation Rules 1965 have been proposed has been forwarded separately to the Joint Secy PWD on 16.8.66 & Receipt thereof to the Govt. In connection with the amendments proposed. It may be stated that amongst the several amendments, amendment to Section 28(5) has also been proposed in that file. This point will be considered soon after the receipt of the file.

As regards the second point the Govt. may be requested to issue the clarifications as to the orders sought for are in pursuance of the Govt order no RD 2 PWR 65 dt 20.5.65 issued from that Dept. The point at issue in this case is the exclusion of time-limit prescribed in the Govt order referred to above to 1.1.1966. It was to cover the year 1965-66 also.

It is may therefore be requested to RD 5 for clarifications as to the above

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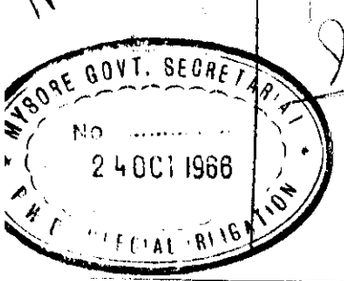

29/9/66

DS(I) 6 29/9

RD 1 30/9

T. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

Note Continuation Sheet

Subject Mysore Irrigation (levy of water rates) File No. PWD 7 LBW 68 (4)
Rules 1965 - Clarification

RAE 46 69/66

Reference and markings	Notes and Orders	Para Numbers

Action; with reference to paras 4 & 5 NS, is being taken in file No. RE 48 EWR 66, to continue the period for the year 1965-66 also. The file referred to above will also be sent to PWD separately for their remarks.

This may now, be returned to PWD with this information.

21/X/66.

21.10.66

P. W. D.)

21/X/66

V. NANJAIAH
Under Secy., Rev. Dept.

Speaking/put up for orders.

Stitching space

1626
Spl Irrgn Supdt

24/29.

The above remarks of the RD. are for perusal. Regarding proviso 1 on para 2 rule, action has been initiated on Ref. No. (illegible) of the same to have the matter separately for rates. As regards proviso 2, it has been from the above note of the RD that they are taking necessary action in this regard.

~~Sd/-~~. This will be placed on the main file Ref. above after perusal

26/X/66.

D/S (J)

26/10/66

Sd/K

M. G. S.

Subject:

MD 1628/S M/66
File No.
(MD 7(A)S 65-II)
RD 485 SR 66

WD 01000—GPB—8,00,000 13-12-65

File no RD 1682 SR 66 from the Rev. Dept re Levy of penalties for unauthorised use of water

& the order of the RD please where may kindly be perused

In G.O.no RD. 21 SCR 65 dt 28.5.65 — Flag 'L' issued from the Rev. dept. Sanction was accorded to the Continuance of water rates and the imposition of penalties for unauthorised use of water at the existing rates under the Tungabhadra project in Bellary District for a further period of one year during 1965-66

4. In the preamble portion of the above said order it is stated that it has been necessary to continue the existing rates of water and penalties as the water rates Rules under the Mysore Irrigation (Levy of Betterment Contribution and water rates) Act 1957 might take some more time.

5. Now the water rates Rules have been finalised and they are effective w.e.f 1.7.1965. It is a point for consideration whether it would not be correct to issue instructions to give effect to the Levy from 1.7.1965 — as per the rates

Circle

9

Subject: Levy of penalty on canals

2) Commenced by the Sungobbadra Project

File No. WRD 1628/5M/66

M. G. S.

Canal in relation to the water Rates Rules.
The Rates of Levy collection & 1.2.1965 may
have to be continued as per existing Rates.

11 4. As regards the point relating to Levy of
penalties on Canal Commanded by the
Sungobbadra Project in Bellary District. it
may be stated that no provision has been
made for Levy of penalty for unauthorised
use of water in the water Rates Rules
but necessary provision in this regard
has been made in the Mysore Irrigation
Act 1965. This new Act has been enforce
with force w.e.f. 1.1.1966. As such
this provision can be applied for the
period Commencing from 1.1.1966 and
not to the period prior to 1.1.1966

- and accordingly

12 5. The Revenue Dept. may perhaps be told
that the Rate of penalty for
unauthorised use of water as collected
in terms of G.O. No RD 21 EWR 65 dt 28.5.65
may perhaps be further enhanced
w.e.f 1.1.1966. and thereafter action
may be taken to levy as per the
provisions of the Mysore Irrigation Act
1965.

13 6. As the matter relates to Levy of water
Rates under the Sungobbadra project
the Major Irrigation Section may see
& remarks in the matter.

28/2/66

Note Continuation Sheet

Subject ..... File No .....

Reference and markings	Notes and Orders	Para Numbers

Stitching space

It is seen that the points made out by the Dep. Com. Bellary in his letter are :

a) Applicability of the Tungabhadra Irrigation (water Rate & Betterment Contribution) Act '57 to Tungabhadra Project - Low level Canal

b) The difficulties in the Collection of penalties for unauthorised irrigation.

As pointed out by the Dep. Com. himself in his letter Section 10-A of the Act is ~~clearly~~ clear and it defines that the Act is applicable to the Tungabhadra Board area. As such there is no difficulty in this regard.

As regards the other point, the contention of the Dep. Com. appears quite reasonable. If under the Tungabhadra Irrigation Act 1965, we have to levy penalties, then the areas and the authorised crops etc to be grown will have to be first prescribed under the Irrigation Act. And this could be done by the Irrigation Officer, in consultation with the Consultative Committee. It is not known if such declaration has

Note Continuation Sheet

Subject .... Levy of penalty on lands Commanded by the Tungabhadra Project. File No .. 1628/spl...

WD 014899—GPB—8,00,000—11-8-66

Reference and markings	Notes and Orders	Para Numbers

been made by the SE, (Irrigation Officer) In its absence the application of Mysore Irrigation Act Section 28(5) may be held void. Therefore we may agree to the continuance of the existing orders regarding levy of penalties. And ask SE to take immediate action to declare the areas under the project as required under Sections 27 & 32.

DS)
(Jt Secy P.W.D)

4
26/x

16

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

Pl speak
7/11

The penalty in the case of unauthorised irrigation cannot be levied under the provisions of the Mysore Irrigation Act 1965 as the Consultative Committee for this Project has not yet been constituted and also the crops to be grown has not been notified by the Irrigation Officer as per the provisions of

Stitching space

JOINT SECRETARY TO GOVT. No 61.64 - 5 NOV 1966 PUBLIC WORKS DEPARTMENT

Note Continuation Sheet

Subject ..... File No .....

Reference and markings	Notes and Orders	Para Numbers

this act. Such being the case, it may be considered in consultation with the Law Department whether the existing orders to levy the penalties may be continued.

9/11

M. C. ANTIN,
Jt. Secy., P.W. & Elec. Dept.

D.S.(I)

U.S(T)

9/11/66

9/11

19

20

PUBLIC WORKS DEPARTMENT
SPECIAL IRRIGATION.

PWD 1628/Spl.66.

21

The penalty in the case of unauthorised irrigation cannot be levied under the provisions of the Mysore Irrigation Act 1965 as the Consultative Committee for this Project has not yet been constituted and also the crops to be grown has not been notified by the Irrigation Officer as per the provisions of this act. Such being the case, it may be considered in consultation with the Law Department whether the existing orders to levy the penalties may be continued..

Id/- M.C.Antin,
Jt. Secy. PWD.

9/11

(S.K.Mohan)
Under Secretary to Govt.
P.W.D (Technical)

22) 10/11

Revenue Department)

Issued
10/11/66

P.T.O

Stitching space

In kind approval of issue

22/10/66
U/S (Tech)

Note Continuation Sheet

Subject The Upper Louisiana (Levy of scale Rates 1865 — Levy of Penalty - Jurisdiction thereof)

File No AD 716585 Part 1

WD 014899—GPB—8,00,000—11-8-4

Reference and markings	Notes and Orders	Para Numbers

Stitching space

12

Notes Continuation Sheet

Subject..... The Mysore Irrigation (Levy of water Rates) Rules 1965. Levy of penalty for unauthorised irrigation

File No..... (RD 27 LBW 65) from 11

WD 014899—GPB—8,00,000—11-8-65

References and markings	Notes and Orders	Para Numbers

10 p. 30 c. 2

35) Submitted with a draft for approval. Ref. para 6 ante.

37/11/66

Secy P.W.D.)

36) 30/11/66

M. CHANNAPPA
Dy. Secy. to Govt. P.W.D. (Irrgn.)

SECRETARY TO GOVERNMENT
No. PWS 6155
Dt. 30 NOV 1966
Spl. Todo Sec.
PUBLIC WORKS DEPT.

35) 30/11

36) 1/12/66

P.A. 62/5(2)
1/12

Issued
Dated 2/12/66

Receipt No. 202 Dt. 20-1-1967.

37) D.O. No. REV/475/IRR/66-67 Dt. 16-1-67 from the Divisional Commr. Gulburga addressed to the Secy; to Govt. R.D. and Copy forwarded to this Dept. placed at page 14 g C.F. may please be perused.

Orders of Secy. PW&E. Dept. on P.U.D.

"P.P. to-day"

Intd/ 20.1.

Secy;

Secy. PWD. Dated
No

20/1/66.

38) The Revenue Dept may be addressed further to expedite the matter. The opinion given by this Dept on the file of the R.D. (vide RD 48 LBW 66) may be seen at para 6 ante.

This may be submitted to Secy (Irrgn) for his kind perusal.

20/1

20/1/67.

Secy P.W.D.)

M. CHANNAPPA,
Dy. Secy. to Govt. P.W.D. (Irrgn.)

(39)

Note Continuation Sheet

Subject... the Mysore Irrigation (Levy of water Rate) Rules 1965 - levy of penalties for un-authorised irrigation - Regarding.

File No. I 37-AR-VI

Reference and markings	Notes and Orders	Para Numbers

Receipt No. 1841 Dt. 15-11-66.

Copy of the D.O. letter dated 11-11-66 from Sri Zafar Saifullah IAS D.C. Bellary placed at page 7 & 8 of C.F may please be perused. (23

Orders of Secretary P.W.& E Dept. on P.O.D. (24

"Urgent"

Sd/ 14/11.

Ch. Secy.

15/11/66.

The Note - from paras 14 to 18 only may kindly be perused. The subject matter relating to levy of penalties for unauthorised Irrigation is being dealt with in the Rev. Dept. When the file of the R.D. has come to this Dept. in pursuance of the matter, the file was returned to R.D. with the Remarks of this Dept. which may be seen at para 21 only. (25

It has been suggested therein that the Rev. Dept. may consider the points as to whether the existing orders of levy of the penalties may be continued in Consultation with the Law Dept.

This matter is receiving attention in R.D.

This may kindly be submitted to the Secretary for his perusal. (26

16/11

DS)

15/11 (27

Receipt taken from Sri [illegible] Secy 15/11

Sketching space

Note Continuation Sheet

Subject..... Levy of penalty for unauthorised use of water —

File No..... PWD 71 Misc 65 Pt II

Reference and markings	Notes and Orders	Para Number

B.O. Letter ~~dated~~/No.LEV/2834/IRI/65-66 dated 24th November 1966 from the Divisional Commr., Gulbarga Division, Gulbarga, regarding the Levy of Penalty for unauthorised use of water.

Orders of the Secretary, P.W.D. on the P.L.D. "P.P. To-day".

Id/- (Ch)
Secretary, PWD. 28-11

2) The connected files relating to this subject is placed below. In this connection, it may be stated that this subject regarding the levy of penalties in the T.B.P. Areas is receiving ~~the~~ attention in Revenue Department in thier File No.RD 48 PWI 66.

Nothing space

3) When the file relating this subject had come to this Department from the Revenue Dept. for concurrence/~~and~~ remarks of this Dept, the file was returned to them on 10-11-1966 with the remarks as noted in para 21 of the file placed below. The Revenue Dept. was requested them to take further action in consultation with the Law Dept. whether the existing orders to levy the penalties may be continued in the circumstances explained in the note.

SECRETARY TO GOVERNMENT No PWS 6130 Date 29 NOV 1966 Spl. Sec. PUBLIC WORKS & ELECTY. DEPT.

4) It is ascertained unofficially from the Revenue Dept. that the file has been received back from the Law Dept - with certain observations. In the circumstances ~~As such~~ it is requested that the Revenue Dept. may be requested to expedite the matter.

28/11/66

29/11/66

D.S.(Irrgn)
Secy., PWD:

5) Submitted for orders.

29/11/66

M. CHANNAPPA.
Dy. Secy. to Govt. P.W.D. (Irrn.)

29/11/66

2 draft replies may be perused.

29/11/66

PWD-7-LBR-65 (Appl)

Note Continuation Sheet

Subject The Mysore Irrigation (Levy of Water Rate) File No .....
Rules 1965 - Levy of Penalties for unauthorised use of water.

WD 014899—GPB—8,00,000—11-8-65

Reference and markings	Notes and Orders	Para Numbers
	for. post up draft D.O. to Shri Sankaralinga	(40)
Secy. PWD. 23/1 PWS No 246 Date	DS. C4 23/1 23/1/67	
	A draft D.O. letter is put up at page 15/c for appl. Ref. Para 40.	(41)
	24/1/67 24/1/67 Dy Secy	24/1 (42)
Secy. PWD. 23/1 PWS No 287, Date	24/1/67 H. CHANDRASEKARA, Under Secy. to Govt., P.W.D. (Irrgn.)	(43)
	Issued Dated....28/1/67 26/1	(44)
	Receipt No.	
	Orders of the Secretary on the letter of the Divl. Comr., Gulbarga: "V. Urgent. The Points raised in this letter are very relevant and important. They	45

Stitching space

Note Continuation Sheet Water rate rules —

Subject Penalty for unauthorised use of water File No .....

Reference and markings	Notes and Orders	Para Numbers

They may be examined in consultation with LD and clarification/ amendment issued within the course of this week"

DS(I) Sd —— 10/7/67

The letter from the Divl. Comr. at Pages 16-19 may be perused. The following points are raised for consideration of Govt:

46

(1) To notify the prescribed officer as required under section 28(5) of the Mysore Irrigation Act, 65 to enable the officer to levy the Penal water rate;

(2) To prescribe a procedure for the determination of water rate

Stitching space

M. G. S. | Subject: | File No.

WD 01050—GPB—8,00,000 13-12-65

in the relevant rules in lieu of rule 4 ;

(3) To use discretion in the matter of levying penal rate for unauthorised use of water in cases of first offences by the prescribed officer and;

(4) To frame a rule enabling the growing of green manure crops irrespective of localisation.

47 In this previous letter the Divl. Comr. has already raised the first Point which may be seen at Page 1/cF. In this connection please see Paras 1 to 21 of the note. As regards regulating the levy of Penalties for unauthorised use of water in TBP area, the RD has been reminded to expedite.

48 The Points (1) & (3) now

raised relate to amendment of section 28(5) of the Irrigation Act. This Point seems to have been examined in file No. PWD 7 LBW 65 which has been referred to LD on 26.11.1966 Vide Para 3.

Point 2: The contention of the (49)
Divl. Engr. is not correct. What is proposed to be omitted is rule 4 of the Mysore Irrigation (Levy of water rate) (Amendment) Rules, 1966 and not rule 4 of the principal Rules of 1965.

Point 4:- As per the provisions (50)
of the water rate rules as amended, crops grown are to be taken as criteria for levying water rates. The water rates rules as such do not contemplate levy of water rates on localisation pattern

M. G. S.

Subject: Water rate only — Penalty for unauthorised use of water

PWD 7 LB W 65 (Part II) 17

File No.

WD 01050—GPB—8,00,000 13-12-65

It is not known under what provisions of law localisation Pattern is being taken into Consideration for levy of water rate in the TBP area.

Rs

15/11/67

12/13/67

D/S(9)

Please put up this paper to D/S(9). Recent instructions in person D/S(9) desire that the file may be put up to him. Papers pertaining to the file may be kept in the file cover under his signature.

D/S(9)

16/7

(51) The letter of the Divisional Commissioner, Gulbarga, dated 6-7-1967 Vide Page 16 ~~and~~ to 18 of the case file may please be perused. He has sought orders of Govt. on the following points:-

(1) Notifying the Prescribed Officer as required under Sub-Section 5 of Section 28 of the Act to enable the Officer to levy the penal water rate.

(2) to prescribe a procedure for the determination of water rate in the relevant rules in lieu of Rule 4.

(3) to use discretion in matter of levying penal water rate for unauthorised use of water in cases of first offences by the prescribed Officer.

(4) to frame a rule enabling the growing of green manure crops irrespective of localisation.

(52) In respect of point (1) above, the Notification dated 31st December 1965 Vide Page 70 of the Irrigation Act and Rules placed below (Vide Flag-R) may please be perused. As regards Section 28 the Superintending Engineers incharge of Major Irrigation Works, the Executive Engineers incharge of other irrigation works are the Prescribed Officers who ~~were~~ are in vested with the powers and duties of an Irrigation Officer conferred and imposed under the provisions of the said Act.

p.t.o.

~~Section 28 is also included therein~~. Hence these Officers will act as Prescribed Officers in respect of Section 28(5) also, hence no fresh notification is necessary.

(53) As regards the point (2), the Divisional Commissioner seems to have mistaken the notification dated 28th June 1967 wherein it is said that Rule 4 of the Mysore Irrigation (Levy of Water Rates)(Amendment Rules 1966) shall be, and shall be deemed always to have been omitted. It may be stated, it is not the Rule 4 of the principal rules(which explains the determination of water rates)that has been deleted, but it is the rule 4 of the amended rules that is being deleted. Hence there is no necessity to prescribe a procedure as requested for by the Divisional Commissioner. What has already been prescribed in the principal rules hold good.

(54) As regards point 3) above, Section 28(5) prescribes the quantum of water rate to be levied for any unauthorised use of water. The Prescribed Officer has got a discretion to levy penal water rate not being less than 10 times and not exceeding 30 times the rate, he would otherwise have been required to pay had he applied for and obtained the permission. The request of the Divisional Commissioner is to reduce the quantum of penal rate in respect of the first offence to be not exceeding 10 times. The water rates are recently reduced and the penal water rate should be as a deterant punishment to the offender and it is only with that view it is kept a little high. In my view it is not necessary to bring out any sort of an amendment to this Act and I am afraid that we are proposing too many amendments to the original Act, so that there would be a lot of confusion in dealing with things.

(55) As regards the point (4), it may be said that even though water rate is specifically prescribed for manurial

M. G. S.

Subject: Water Rates Rules Penalty for unauthorised use of water —

File No: PWD 7 LBR 65 (Suppl. II)

WD 01050—GPB—8,00,000 13-12-65

crops in the water rates rules, growing of manurial crops is always accompanied by a principal crops, such as, paddy, sugarcane, etc., hence it may not be necessary to frame any rule enabling the growing of green manure crops in localised areas. Water rates may have to be levied whenever green manure crops are grown according to the Water Rate Rules.

Jt. Secy. PWD. No 4972 Date 13/7

(56) For perusal. If approved, the Divisional Commissione will be informed accordingly.

14/7/67

M. CHANNAPPA
Dy. Secy. to Govt. P.W.D. (Irrn.)

Jt. Secy., PWD:

Secy. PWD. 28/7 PWS No 3199 Date

Secy., PWD:

(57) 27/7

57 I would like to see the Rules referred to in para 5 ante. Draft reply may be prepared & put up. We will have a discussion with L.D. in regard to the interpretation made in para 5 2 ante. The draft reply will have also to be shown to L.D on this point only.

29/7/67

29/7/67

Jt. Secy. PWD. No 4972 Date 13/7

Secy. PWD. 28/7 PWS No 3199 Date

Jt. Secy. PWD. 28/7

(58)

29/7/67

P.T.O.

20)

PWD Flr Lsw 65 (Part II)

Subject: Water rate rules — Penalty for unauthorised use of water. File No. M. G[illegible]S.

A draft is put up for appl. at Page 23/C. Ref. Para 58. (59)

The Law Dept. may kindly be consulted.

3/8/67

15/8/67

Dy Secy

Copies of rules placed below. Flr R[illegible]

(60) 20/8/67

The draft give letter proposed to be addressed to the Divisional Commissioner, Gulbarga (vide pages 23-24 of C/F) in reply to his letter dated 6-7-67 vide pages 16-17 of C/F may please be perused wfr to paras 51-55 of C/N and also para 57. The interpretation made in the Rules (Paras 51-55) may please be seen and advised.

Secy. PWD. 16/8 PWS No 3732 Date

L.O)

15/8/67

M. CHANNAPPA

Dy. Secy. to Govt. P.W.D. (Estt.)

21) Kind attention is invited to Rules 57 & 58 of the Rules of Business. The point or points on which opinion of L.D. is required may be kindly indicated specifically.

PWD

Received 20.8.67.

1232 1967

16/8 Sd/- M 18/8

Sd/- 16/8/67

No. 3732 31 AUG 1967

P. W. D. (RECEIPT & DESPATCH)

Contd.

M. C. S. | Subject: | Pwn 7 LBoos (Part II) (21)
File No.

WD 61050—GPB—8,00,000 13-12-65

62 Please see Para 57 wherein it is directed that the draft put up at Page 23/C may be shown to Ld. in respect of the interpretation made in Para 52. The interpretation made in Para 52 relates to section 28 and sub-section(s) of section 28 of the Mysore Irrigation Act 1965. The point raised therein is, whether fresh notifications under sub-section(s) of section 28 of the Act are required to be issued, when the SEs or E.Es have already been invested with the powers of ~~Executive~~ Irrigation officers under section

A 1. 28 of the Act vide interpretation - officers at page 70 of the Act. Ld. may give necessary directions on this point only.

The file may be referred to Ld. with reference to Para 61.

63) 2/9/67
M. CHANNAPPA
Dy. Secy. to Govt. P.W.D. (Irr.

2/9/67 2/9/67 Ld.
D/s (9).

GOVT. SECRETARIAT
No. 1262
- 9 1967

Subject: [illegible] penalty - [illegible] File No. PWD 7 LBW 65 Pt II M. G.

L.D. 1362/L II/67

64) A copy of the notification referred to at A of para 2 ref. may be kindly made available.

PWD

Devaraj
15/9/67

3345
15 SEP 1967
Spl Branch

65) The notification referred to above is available in the Mysore Irrigation Act 1965 — officers at page 70 Vol 7. However a spare copy of the notification is placed below for reference as desired.

Flag B.

This may now be referred to Law Dept.

15/9/67

D/S (J)
Law Dept

18/9/67
M. CHANNAPPA,
[illegible] (Irrgn.)

The notification dated 31-12-65 (66
(flag B) purports to invest certain officers specified in the table with the powers of "Irrigation Officers" for purposes of the provisions of the Act mentioned in the said table. No doubt, section 28 is also mentioned in the table. But, in this section, while the Irrigation Officer performs the functions under subsections (1) to (4), under subsection (5) the functions have to be performed by the "prescribed officer". This prescribed officer will, therefore, have to be separately specified in the rules made under the Act.

1450
2

B. K. Murudappa
10/11/67

(B.K.MURUDAPPA)
Addl. Law Secretary

9/9. Subd. 2099

10/11

Sd/- 19.11.67

5457/als/67

PWD.)

19/11

MYSORE
No. 38888
14 NOV 1967
Spl Branch

M. G. S.

Subject: A Note on the Provisions of Penalty in the Mysore Irrigation Act 1965 for unauthorised Irrigation.

23

File No. PWD 26 LBW 66

WD 01050—GPB—8,00,000 13-12-65

Receipt No. 3385 from the S.E. T.C.C. Circle Yermarus.

(67) 1) A Note on the Provisions of penalty in the Mysore Irrigation Act 1965 for unauthorised Irrigation as Submitted to the Hon'ble Minister for Public works by the Supdtg Engineer Yermarus is placed below for perusal.

Minutes of Minister for P.W. & E on P.U.D.

" Immediate

To discuss with J.S. and Secy; P.W.&E."

Sd/- U.Patil. dt. 15.9.67.
Minister for P.W.&E.

Orders of Secy; PW & E. on P.U.D

" P.P "

Sd/- Ch. dt. 20/9/67.
Secy. PW & E.

Orders of D.S(I) on P.U.D.

"Spl. Irgn. Section. P.P. Urgently"

Sd/ MC dt. 20/9/67.
D.S. (I).

21/9/67.

(68) 2) All the points raised in the note have been considered in file no PWD 6 LBW 66. This file should be called for by LD on 22.9.67 if approved. The Law Dept may be requested to return the file with their remarks early. or the file may be got back from LD in view of the remarks of the Minister.

24

Subject: Clarifications on certain provisions of the Irrigation Act. 1965

File No. RwD 3385|SP|67 M.C.S

Subject for orders.

21/9/67

3) LD may be expedited for their opinion in the matter

21/9/67

4) A draft and fair U.O. Reminder is put up for issue.

22/9/67.

Issued

23967

(64)

(5) According to Section 32(4) of the Mysore Irrigation Act, if the person who has sown or grown any unauthorised crop or allowed any land to be grown or sown with such unauthorised crop cannot be found, the holder of the land in addition to such other person concerned, shall be liable for contravening the provisions of this Section. Under Section 55(xiii), contravention of any provision of the Act is an offence punishable on conviction with imprisonment or with fine.

(6) Under Section 64(1), if water supplied through a field channel is used in any unauthorised manner, the Irrigation Officer, has to make an order for the recovery of such charges as may be prescribed for such use from such holders and occupiers in such proportion as he may find just. Therefore, it is clear that the Irrigation Officer can levy charges only on the basis of charges already prescribed under the Act. The Mysore Irrigation Rules, 1965, are silent about the charges to be levied. A notification under Section 64(1) has to be issued prescribing the scales of charges to be levied. The quantum of penalty imposed

(70)

Section 64(1) of the Act may be examined.

PWD 2 LAW 69 25

M. G. S.

Subject: Clarification on certain provisions of the Irrigation Act — Unauthorised Crop — Section 66(1) & Sec 1

File No.

WD 01050—GPB—8,00,000 13-12-65

on unauthorised use of water under Section 33(5) may be prescribed in the present case also. Law Dept. may also be consulted.

(71)

6/10/67 6) Section 28(3) of the Act contemplates the levy of water rate by the possessor of Area at such rate, not being less than ten times and not exceeding thirty-times the rate he would otherwise have been required to pay for the ensuing season for such water. The same scales may be made applicable in the case of Section 66(1) of the Act as the charges for the ensuing season for such water — that is Irrigation Charges.

The Law Dept may be consulted on the above issue in the first instance

(72)

6/10/67 (7) A letter from the Divisional Commissioner-Gulbarga seeking clarification on the several points is received to-day. To verify and put up with the P.P.

7/10/67

(73)

(8) The letter from the Divisional Commissioner, Gulbarga, at Pages 4-6/c.f. may be perused. He has sought orders, notifying the Prescribed officers under Section 33(5) of the Mysore Irrigation Act, 1965. This question has been examined in File No.PWD 6 LBW 66 which has been referred to Law Dept. on 23-3-1967 with a draft,

P.T.O.

-26

Subject: Clarifications on certain provisions of the Irrigation Act — Unauthorised crop etc.

File No PWD 29 LBW 67

M. G. S.

clarifying the position in respect of Prescribed Officers under Section 22(5). The return of the file is awaited.

(9) The Divisional Commissioner has raised the following points for consideration of Govt. They are as under:-

1. Whether Rule 4 of the principal rules continues to remain in force.

   What is omitted is Rule 4 of the Mysore Irrigation (Levy of Water Rates)(Amendment) Rules, 1966, and not Rule 4 of the principal rules. This could be possible one of the Hon. Comm.

2. Under Sub-Rule (2) of Rule 2 of the Mysore - Irrigation (Levy of Water Rates)(Amendment) Rules, 1967, whether concessional rate should be applied when two crops of paddy or two crops of Jowar, etc., are grown or whether such a concession is allowed when different crops of paddy and jowar are grown in any revenue year.

Sub-Rule (2) of Rule 2 of the Rules of 1967 runs as follows:-

> When water is supplied.....for the irrigation of any land in which paddy crop, or any crop of jowar, maize ..... Tobacco or corriander is grown twice in any revenue year, water rates at the rates specified in the corresponding entries in Column (2) and (3) respectively of the said table shall be levied for the second crop. This means that the concession will be applicable only if paddy crop or jowar or maize or corriander is grown twice in any revenue year. In other words, two crops of paddy or two crops of jowar, etc., should be grown in any revenue year to claim the concessional water rate for the second crop.

3. In applying concessional rates for two crops grown in the avacut, whether both should be irrigated crops.

4. Penalty for non-use of water.

   The Divisional Commissioner has suggested that in cases where water is not used by perennial lands, the lowest rate should be levied and where only one paddy crop and one irrigated dry crop are grown, the penalty for not utilising water in perennial lands should not be Rs.3?, but it should be Rs.24/-.

5. Water rate for the third crop:-

   The Divisional Commissioner has suggested that the water rate for the second crop should be levied for the third crop.

6. In cases where avacut is assessed to wet assessment, whether any change is due in view of the revised water rates.

For Perusal and orders - Ref. para 7. ante.

10/10 16/7 [illegible]

pl discuss

17/10/67

Some of the - I will show about [illegible]

PWD. 7. LBD 65 Part IV

M. G. S.

Subject: Penalty for unauthorised use of water — Prescribed officer. **File No.**

WD 01050—GPB—8,00,000 13-12-65

~~67~~ 75 LD's opinion at Para 66 is for perusal with reference to Paras from 51 onwards.

76. ~~68~~ As suggested by L.D. a draft notification ~~explaining~~ for purposes of section 28(5) of the Irrigation Act is put up at Page 26/c.f.

before issue of notification cover Hr Revs/Secy/Advt/L,LD

17/11/'67

77 ~~(69)~~ The remarks of the Law Dept. may kindly be seen at ~~P~~Para 66 ante. They have suggested that in order to remove the doubt arisen in the minds of the Officers, it is desirable to specify the term "prescribed Officer" in the rules framed under the Act to enable levy water rates under Section 28(5) of the Mysore Irrigation Act, 1965.

(78) This point will be considered after issue of the draft letter proposed at Page 23../c.f. as this has to be further examined in detail as to whether the prescribed Officers should be Tahasildar or Irrigation Officer.

(79) Pending examination of the above point, the draft letter ~~proposed~~ placed at Page 23./c.f. which has also been seen by the Law Dept. may be approved, since repeated reminders are being received from the Divisional Commissi-

Gulbarga and others to clarify the points raised by them. The draft is slightly modified which may be approved for issue. The file may again be submitted with a note with regard to Section 28(5) of the Act.

18/11/67
D/S (9)

Received back from D.S.(I) with instructions to put up the File with a draft Notification with regard to Section 28(5) of the Act defining the term 'Prescribed Officer.'

80
24) According a draft Notification amending the Mysore Irrigation Rules based on the opinion of the Law Department is herewith put up at page ..32...CF. for perusal and approval. This has to be got scrutinised by the Law Dept.

81
25) In the draft Notification the following amendments which are in the form of more or less explanations have been proposed

1) In respect of Section 28(5) of the Mysore Irrigation Act,1965 the term 'prescribed officer' has been defined.

2) The other amendment proposed is in respect of Section 64(1) of the Irrigation Act. The Superintending Engineer,T.C.C. Yermarus in his note (Flag 'Q') has pointed out that in the Section 64(1) of the Act no charges for making use of water in an unauthorised manner have been prescribed. It is necessary to prescribe the charges as pointed out by the to facilitate speedy implementation of this provision. This amendment has been included in the proposed draft notification. which may be approved.

Kindly please go through, please send,

S.E.

82
24) The draft letter put up at page ..35/38..CF. which has also been perused by L.D. may also be approved with the modifications suggested in the draft as this contains clarifications to certain other points raised by the Divisional Commissioner. The notification proposed will have to be issued after scrutiny by the L.D.

21/11/67
D/S (9)

P. 32 of C.F.

M. G. S.

Subject Penalty for unauthorised use of water — Clarification —

File No. WRD 7(80)65 Part II 29 (25)

WD 01050—GPB—8,00,000 18-12-65

83) The draft of the letter at pages 83-84 c/f may be approved for issue. After issue of this letter the matters relating to Section 28(5) and 64(1) will be further considered as detailed in para 81-82 c/f and further action taken.

Secy P. WD)

28/11/67

M. GOPALA.

Secy. PWD. 28/11
PWS No 5331 Date

The draft may issue today. Rates will have to be prescribed for unauthorised use in accordance with Sec. 64(1)(5) in Irr. Act. Has this aspect been examined?

Ch
29/11

Urgent.

73(1) Sure

29/11/67

Issued
on 29/11/67

(86) Resubmitted after ~~the~~ issue of the letter.

(87) A Draft Notification specifying the term "prescribed Officer" coming under Section 28(5) of the Act and also the charges to be prescribed for unauthorised use of water supplied through a field channel as required under Section 64(1) of the Act is herewith put up at Page.38./c.f. for perusal and approval. This has to be got scrutinised by the Law Department.

p.t.o.

26/30

Subject: Clarifications on certain provisions of the Irrigation Act 1965 — **File No.** PWD 7 LBR 65 Part II — **M. G. S.**

(88) It may be stated that the rates for unauthorised use of water ~~in~~ will have to be prescribed in the Draft Notification put up. It is for consideration whether the following charges may be fixed for unauthorised use of water so far as this Section is concerned

"Not being less than 10 times and not ~~exceeding~~ exceeding 30 times the rates".

(89) It may be pointed that these charges appear to be on high side and the Revenue Officer may take objection to it. To avoid further complication, it is for kind orders whether the Divisional Commissioners may be consulted in the first instance and the remarks obtained.

Jt. Secy. PWD. No 8335 Date 2/12

30/11/67

~~Jt Secy P.WD~~ Secy P. WD

LD

2/12/67

M. CHANNAPPA.

Dy. Secy. to Govt. P.W.D. (Irrgn.)

2/12

We in agreement with Divisional Commissioners proposal. Put up draft letters thereon, which should issue on 4.12.67.

Secy. PWD. 2/12 PWS No 5427 Date

DS(I)

4/12/67

Seen with a copy of the Divisional Commrs proposal for perusal & approval.

4/12/67

Issued 7.12.67

Secy

Rem. at 3PM 15 4/12

G. S.

Subject: Clarifications on certain provisions of the Irrgn. Act. 1965.

File No. PWD 7 LBW 65 (3) Part II

WD 01050—GPB—8,00,000 13-12-65

96) Submitted after issue as per orders of D.S. at para 95 ante.

12/12/67.

None of the Divisional Commrs have replied to our letter dated 7.12.67. This will be sent again with a D.O. if no reply is received by 15th

12/12/67

D/S (I)

97) 14/12/67

98) A D.O. reminder is put up at page 40 of C.F for perusal and approval since no reply has so far been received.

20/12/67.

Receipt No. 75 from Divisional Commr. Bangalore.
Receipt No. 79 from Gazetted Asst. to Divisional Commr. Gulbarga.

99) Letter No. D.Dis. IRR. II. 62.c.6354/67-68 dt. 4-1-68 from the Divisional Commr. Bangalore Divn. is placed at page 42 of C.F. for perusal. Reports from the Divisional Commrs of Belgaum and Gulbarga have not so far been received. If approved the reminder put up at page 40 of C.F. will be issued to them. Reminder from the Gazetted Asst. to the Divisional Commr. Gulbarga is also placed at page 44 of C.F. for perusal. Under Secy PWD. (T) has kindly ordered on the P.W.D. as "P.P."

Sd/ SKM
dt. 9/1/68.
U.S. (T).

16/1/68.

among other points

100) For perusal. No action is called for.

This Question re Amendment to Section 64 (1) of the Mysore Irrigation Act 1965 has been considered in the meeting held on 3.1.68 when the Divl. Commrs Mysore & Gulbarga, D.C.s of Raichur & Bellary DCs and the Chief Engineer (BI) were present. As decided in the said meeting necessary draft amendments have been proposed in the covering No. PWD 6

28

Subject: Clarificatories — **File No.** WD 7 Laws 65 — **M. G.**

The Mysore Irrigation Act 1965 — Part-II

(Part-II)

(101) Laws 66, ~~I~~ the Govt has been referred to Law dept. for their remarks/pointing out any other amendments — on 5.1.68.

(101) Submitted for perusal. The receipt of the file with L.D.'s opinion may be awaited.

18/1/68

D.S (T)

U.S (T)

(102) 11/1/68.

(103) Put up — reply to Dirl. Comm.

4

11/1

(104) A draft is put up at page 45 of C.F. for perusal and approval.

16/1/68

(105)

4

17/1

ISSUED

Dated.....18.1.68.....

Receipt No. 280 from the S.E. Mysore Divn.

106 Letter No. 187/VCA/mm9/67-68/9682-84 dt. 27.1.1968 from the Supdtg Engineer Mysore Circle placed at pages 47 and 48 of C.F. for perusal. This is a copy of the letter addressed to the C.E. (Gl.). He has suggested certain points for consideration of Govt. before the notification issues regarding

M. G. S.

Subject: Clarifications — The Mysore Irrigation Act 1965.

File No. PWD 72B065 Part II 33

WD 01050—GPB—8,00,000 13-12-65

Prescribed Officers as required u/s 28(5) of Mysore Irrgn. Act, 1965 to levy penal water Rate. It is for orders whether Concrete proposals from the C.E. (Gl.) may be awaited.

6/2/68.

107) This is being considered separately in file no. PWD 6 CBS 66 - part II. Ld may be seen in connection with the matter.

26/2/68

Receipt No. 481 from the Divisional Commr. Belgaum.

108) Letter No. GB/IRR. SR. 348 dt. 5-2-1968 from the Divisional Commr. Belgaum is placed at page 49 of C.F. for perusal. No action is called for in view of para 100 ante.

9/2/68.

P. 50 & 51. C.F.

109) Amendments have been processed. Drawals given

26/2/68

110) Para 66 of N.F. in Rev. Dept: file No. RD 48 EWR 66 which is placed below may please be perused. They have requested this Dept. to supply the lastest position with regard to the levy of penal water Rate in the Tungabhadra Project Area.

6/3/68.

30 34

Subject: Mysore Irrigation(Levyof Water Rate)Rules 1965 - Levy of penalties for unauthorised use of water.

File No. PWD 7 LBW 65 II

M. G. S.

1111) Kindly peruse the remarks ~~thx~~ of the Law Department made at paras 49 to 52 of the notes of R.D.'s file placed below (RD 48 EWR 66). The Revenue Department have requested ~~thixxDx~~ this Dept to intimate the position with regard to the levy of penal water rates in Tungabhadra Project Area.

Contra Rule-

1112) In this connection, it may however be noted that the entire note of the L.D. is based on the provisions contained in the Mysore Irrigation(Levy of Betterment Contribution and Water Rate) Act, 1957, without reference to the Provisions of the other irrigation Acts viz. the Mysore Irrigation Act, 1965 which also deals with matters pertaining to irrigation in the State of Mysore.

Sections 28, 32 and 64 of the Act ~~exclusively~~ deals with matters relating to unauthorised use of water and the penalty to be levied on the holders ~~of~~ / occupiers etc. for such unauthorised use. It is a point for consideration ~~that~~ whether the L.D. may be requested again to consider the matter further in the light of the above provisions and whether the existing orders may be continued pending observance of formalities like constitution of Consultative Committees, Prescribing ~~of~~ kinds of Crops etc.

1113) This Section Note as already recorded in para 9 of the Notes portion of the R.D.'s file may also be perused. The Major Irrigation Section may be requested to note the latest position with regard to the formation of Consultative Committees for this Project.

For Orders.

13/3/68

(Major Sanjeevaiah)

1114) 13/3

1115) A copy of G.O. No PWD 103 MIP 66 dated 20.7.67 constituting an Irrigation consultative committee for T.B.P is kept at pages 52-53 C.

Spl. Assistant (Irrgn) 14/3/68

G. S.

Subject: Levy of Penalties for unauthorised use of water in T.B.P. area

35 (31)
RWD 7 (8) W 65
File No. Part II

WD 01050—GPB—8,00,000 13-12-65

The point at issue is whether the levy of penal water rates in T.B.P. area can be continued or not, for the year 1965-66 as it was being continued in the previous years.

When the Law Dept. was consulted in the matter, it is held that any impost without the authority of law is illegal and that no tax could be levied or collected except by authority of law. When there is no law which authorises the Govt. to levy penal rates for unauthorised use of water, the Govt. cannot by an executive order levy penal water rates for unauthorised use.

The Rev. Dept. have now referred their file (RD 48 EWR 64) regarding continuance of penal water rates under T.B.P. area for ultimate decision with regard to the levy of penal water rates in T.B.P. area.

The Govt. order constituting Consultative Committee for the T.B.P. is placed at page 52 of c.f. wherein they could be perused.

Seen for orders.

16/2/66

35 36

Subject: *File No.* PWD 7 LBW 65 *M. G. S.*

The Mysore Irrigation(Levy of Water Rates) Rules 1965 - Levy of Penalty for unauthorised irrigation.

120. The Mysore Irrigation (Levy of Water Rate) Rules have come into force from 1.7.65. The Mysore Irrigation Act 1965 has come into force from 1.1.66. The Levy of penalty for unauthorised use of water in Tungabhadra Area was being covered by the ~~[illegible]~~ Govt. orders issued from time to time specifying the penalties etc. upto end of March 1965. From 1.4.65 upto 31.12.65 there is no order to cover the Levy of penalties. Hence the Divisional Commissioner had requested for issue of Govt.Order as was being done till then regarding Levy of Penalties. This matter was referred to Revenue Department since all the previous orders in that behalf were issued by that Department. That Department referred the matter to Law Department for opinion in the matter before issuing orders. It seems Law Department have opined that in the absence of authority of law, levy of penalty water rates by virtue of Govt. Order is illegal and that no tax can be levied or collected except by authority of Law (vide paras 49-52 of the R.D. File placed below). Hence Govt. now cannot issue any orders regarding levy of penal water rates during the period from 1.4.65 to 31.12.65. As regards levy of penal water rates from 1.1.66 the provisions of the Irrigation Act will have to be followed. Revenue Department have referred the File to intimate the latest position with regard to the Levy of the penal water rates in the T.B.P. Area. Since the matter relates to the period from 1.4.65 to 31.12.65 Revenue Department may have to discuss this matter personally with the Law Department and find out a way as to how the penalties levied during the period from 1.4.65 to 31.12.65 have to be regularised. Regarding penalties from 1.1.1966 onwards the penalty under Irrigation Act will have to be levied. R.D. will be informed accordingly.

Jt. Secy. PWD. No 2283 Date 25/3

~~Jt. Secy. PWD.~~ ~~[illegible]~~ 25/3

Secy. PWD. No 2094 Date 25/3

JT.SECY.PW&E.
SECY.PW&E.-

25/3/68
(M.Channappa)
DY.SECY.PWD(I)

D.S. PWD (IRR) No 6014 Date 26/3

123) 25/3

121) 25/3

122) 26/3

Note Continuation Sheet

SUBJECT.....

File No. PWD 7 LBW 65 (Part-2)

Reference and markings	Notes and Order	Para Number

No.PWD 7 LBW 65 (Part-2). P.W.D. (Special Irrigation).

124) As opined by the Law Dept. Govt. now cannot issue any orders regarding the levy of penal water rate during the period from 1-4-1965 to 31-12-1965. As regards the levy of penal water rate from 1-1-1966 the provisions of the Irrigation Act will have to be followed.

Since the matter relates to the period from 1-4-1965 to 31-12-1965, Revenue Dept. will have to discuss this matter personally with the Law Dept. and find out a way as to how the penalties levied during the period from 1-4-1965 to 31-12-1965 had to be regularised. Regarding penalty from 1-1-1966 onwards, the penalty under the Irrigation Act will have to be levied.

(S.K. Mohan)
Under Secretary to Government,
P.W.D. (Technical).

Revenue Dept:-

125) As drawn in paras 120-122 ante; the above note is incorporated in the RD file (PWD 48 LBW 66) placed below. Draft may kindly be approved and attested

26/3/68

126) Agreed 26/3

127) As seen by Hon'ble RM

27/3

Issued 27/3/68

34 26

Note Continuation Sheet

Subject The Mysore Irrigation (Levy of water Rates) Rules 1965 - Levy of penalty for unauthorised irrigation.

PWD 7 LBW 65

File No.

WD 014899—GPB—8,00,000—17-6-66

Reference and markings	Notes and Orders	Para Number

Receipt No. 1664 from Divisional Commr. Gulbarga

128) letter No. TBP. DEV. 4503-A/67-68 dt. 28.5.1968 29 from the Divisional Commr. Gulbarga is placed at page 54 of C.F. for perusal. This is a reminder.

6/6/68.

129) Kindly peruse paras 80 to 92 ante. Two amendments were proposed in this file (i) in respect of section 28(5) and the other to the Section 64(1) of the Irrigation Act. It has been proposed that necessary amendments may be affected in Irrigation Rules 1965 issued under this Act.

130) In respect of Section 28(5) necessary amendments defining the "prescribed Officer" for purposes of this section have been issued under Irrigation Rules 1965- please see the final Notification issued in this behalf placed at page 53 of C.F.

131) The other amendment proposed was for the Section 64(1) of the Mysore Irrigation Act. In this Section no charges for making use of water in an unauthorised manner have been prescribed. It is therefore necessary to specify the charges in the Rules

132) Please see the orders passed at para 92 ante. Accordingly the Divisional Commissioners were addressed in the matter to furnish their views as to the scale of the charges to be prescribed under section 64(1) of the Act.

Encl

Standing space

Note Continuation Sheet

Subject... The Mysore Irrigation (Levy of Water Rates) Rules 1965 — Levy of Penalty —

File No. RD 7 LBS 65

39

Reference and markings	Notes and Orders	Para Numbers
	The reports received from the Divisional Commissioners Mysore, Bangalore and Belgaum placed at pages 41 , 42 and at page 49 of C.F. respectively may kindly be perused . The opinion furnished by each of them is noted below:- DIVISIONAL COMMISSIONER, MYSORE: He has suggested ten times the normal water rate ~~xxx~~ or five times, if Govt. so deem fit. DIVISIONAL COMMISSIONER, BANGALORE: He has opined that water rates not less than 5 times ~~xx~~ and not more than ten times the normal rate may be prescribed. DIVISIONAL COMMISSIONER, BELGAUM: He has stated that the unauthorised use of water - mentioned in section 64(1) of the Mysore Irrigation Act 65 is almost the same in effect as the one, mentioned in section 28(5) of the Act. He is therefore of the view that the same charges as are levied under section 28(5) may be prescribed under section 64(1) ~~xfxxhxx~~ also. He has further stated that if the charges are lowered , villagers will take undue advantage of such rates. (33) The Opinion of Divisional Commissioner Belgaum, which appears to be sound, ~~and~~ may perhaps be accepted . The charges to be levied as under Section 28(5) may be prescribed under 64(1) of the Act [so as to be on the same analogy] .	

Stitching space

36) 100

Note Continuation Sheet

Subject: Re Mysore Divisions (Levy of water-Rates) Rules 1965 — Levy of penalty.

PWD 26 Cbw 65

File No. part II

WD 014899—GPB—8,00,000—11-8-66

Reference and markings	Notes and Orders	Para Numbers

134) If the above suggestions are accepted, and necessary amendment will be put up the same will be referred to L.D. for scrutiny.

15/6

135) 19/6

136) 15/6

G. V. VENKATARAMU,
Jt. Secy. P.W. & Elec. Dept.

Jt. Secy. PWD. 3076 Dated 14/6

Dy. PWD. No. 4285 Date 15/6

137) Kept lying up on 17.6.68.

Cle 17/6

138) The suggestion made in para 133 ante may be accepted.

17/6

Chief Min. No. 966 Date 17/6/68

139) 17/6

CHANDAPPA PATEL
Secy. P. W. & Elecy. Dept.

(VEERENDRA PATIL)
Chief Minister.

Cle Secy (PWD-E)

140) 19/6

D. S. PWD (Irrgn). No. 2118 Date 19/6

141) This amendment, if approved, will be including in the drafts with Secretariat proposals in Memo. PWD 26 Cbw 66 amending the Mysore Divisions Rules 1965.

19/6

142) 19/6

M. G. S.

Subject: The Mysore Irrigation (Levy of Betterment Contribution) Rules 1965 — Amendments.

File No. PWD 76 IBS 65 — 141 — Part-II

WD 01050—GPB—8,00,000 13-12-65

143) Returned for Revised Orders.

The main file bearing no. PWD 76 IBS 65 referred to in para 161 ante - Which has been submitted for approval of Chief Minister, has since been received back with orders to treat it as Cabinet matter. Hence the file has been submitted separately with a Cabinet Note for consideration.

166) It is for the Finance Department to examine the proposals contained in the aforesaid file. This file is herewith submitted, with draft Notification as per orders passed in paras 138-139 ante.

145) The draft Notification finalised as per para 56 of C.O. may kindly be got scrutinised by the Law Dept.

21/7/68 LD)

1/27/7

R. & I. SECTION
LAW & P.A. DEPT.
No. 21681
Dt. 27 JUL 1968
Section 7

143

May 27/7/68 LD DE

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.

146) Under sub-section (1) of section 64 of the Mysore Irrigation Act, 1965 the Irrigation Officer is empowered to"make an order for the recovery of such charges as may be prescribed for such use from such holders and occupiers in such proportion as he may find just".

147) Empowering the Irrigation Officer to fix the actual charges on the basis of a formula indicating the maximum and minimum limits of the charges within which he should decide the actual charges, would not

35 42

Subject: (Amendment) *File No.* PWD 7 LBW 65 *M. G. S.*

The Mysore Irrigation (~~Levy of water rates~~) Rules, 1965 - Levy of penalty.

443/LAW-VII/68

amount to prescribing the charges. If the intention of the legislature was to empower the Irrigation Officer to fix the actual charges on the basis of such maximum and minimum limits, then it would have been specifically stated so in sub-section (1) of section 64 as has been done in sub-section (5) of section 28.

148

Therefore under sub-section (1) of section 64 the Government is only empowered to make a rule specifying the charges to be recovered in the rule itself. It is not legally permissible for the Government to make a rule as proposed empowering the Irrigation Officer to fix the charges. Such a rule would not be legally permissible as it is in excess of the rule making power conferred under sub-section (1) of ~~1964~~. Section 64.

149

The Administrative Secretariat may therefore take a decision regarding the actual x charges that should be recovered by the Irrigation Officer and specify the same in the proposed rule. Such charges can be in terms of multiples of water rate, but it must be a fixed specific multiple.

K. N. Gundappa
2/8/68

K. N. GUNDAPPA,
Asst. Draftsman ex Ex-Officio Under Secy., Law Department.

P.W.&Elc. Dept.

P. W. &
No 32486
Date
Section

3/8

M. G. S.

Subject: The Mysore Irrigation (Amendment) Rules 1968 Levy of Penalty —

File No. WS (39) PWD 76 MRS 65 part-II

WD 01050—GPB—8,00,000 13-12-65

150) The remarks of the Law Dept. on the proposed proposal may kindly be perused.
The Law Dept. have suggested that instead of proposing levy of penalty on the basis of maximum and minimum limits, it should be a fixed specific multiple.
In this connection please see the paras 133 and onwards of the above paras, accepting the suggestion made at para 133 ante.

151) In view of the above opinion of the Law Dept. revised orders are submitted for proposing levy of specific multiple.

3/8/68

152) Notes in paras 129-138 and 146-149 of the case note may please be perused. As regards levying of penalty under section 64(1) of the Mysore Irrigation Act 1965 it was proposed to amend Rules so as to enable the Government levy the penalty of not less than 10 times and not exceeding 30 times the rate that would have been paid had he obtained permission (as in the case of Section 28(5)). Law Dept. have now opined that instead of stipulating the minimum and maximum for the determination of penal water rates to be levied it is desirable that the penal water rate should be fixed as a specific multiple of the water rate, that means it has to be speficially stated that the penal water rate should be so many times the usual water rate which is perhaps difficult in view of the fact that the penalty water rate usually depends upon the

Subject: Mysore Irrigation (Amendment) Rules, 1965 - Levy of Penalty — File No. MD 7 CAN 65 part-II

M. G. S.

quantum of water drawn and used unauthorisedly. It is perhaps desirable to have a flexible limit so that the Irrigation Officer at his discretion may fix up the penal water rates in such cases of unauthorised use of water. Hence Law Dept. may once again kindly look into the matter and advise.

22/8/68

(M.Channappa)
Dy.Secretary,PWD(I)

J.S. (PWD)
LAW Dept.

153) 23/8

G. V. VENKATARAMU,
Jt. Secy. P.W.D. & Elec. Dept.

M. Secy. PWD No 4144 Dtd. 23/8

L. & L. SECTION
LAW & P.A. DEPT.
No. 25000
Dt. 24 AUG 1968
Section

DEPT. OF LAW AND PARLIAMENTARY AFFAIRS.

154) The wording of sub-section (1) of section 64 of the Mysore Irrigation Act, 1965 as it stands at present does not confer the benefit of ~~the~~ flexibility provided for in sub-section (5) of section 28 which enables ~~the~~ determination ~~of the actual rate to be levied~~ by the prescribed officer of the water rate which a person is liable to pay within the range of the maximum and minimum limits which are specified in the said sub-section (5) itself. Therefore under sub-section (1) of section 64 as it is worded at present, it is not legally permissible "to have a flexible limit" as desired by the Administrative Secretariat. The object can be achieved only by a suitable amendment to the Act.

K. N. Gundappa 29/8/68

P.W.&Elect.Dept.)

K. N. GUNDAPPA,
Asst. Draftsman & Ex-Officio
Under Secy., Law Department.

L. & L. SECTION
P.W. & E. D.
No.
Date 30 AUG 1968
Section CM 2nd

2747 3/86

p.50

M. G. S. | Subject: | File No. MND 7(18)65 Part II (41)

WD 01050—GPB—8,00,000 13-12-65

155) The remarks of the Law Dept. at page 154 ante are for remarks of Govt. It is submitted that it is not legally permissible to have a flexible limit as suggested by this Dept. at pages 152 & 153 ante.

31/8/68

156) Pl discuss

DS (I)

PMM 31/8/68.

Resolution

157) In view of the opinion of the Ld Advt. there cannot be a flexible limit so far as S.6(1) of the Act is concerned, it is clearly suggested that a fixed sum of Rs 200/- may be prescribed as a deterrent measure. The remarks of the Ld Advt may also be obtained on the matter.

amount fixed at Rs 20 per acre 10 times = 200/- per acre

158) Please see the pages 129-139 ante and also the remarks of LD at pages 146-149 ante. For unauthorised irrigation under Section 64(1) of the Irrigation Act it had been proposed to fix the levy of penalty at ten times to thirty times the water rate. LD. have opined that this should not be a flexible range of penalty

Subject: Rules 1961 - Levy of penalty — File No. PWD 7/ 1656 J (part-II)

M. G. S.

hour a specific multiple of the water rate.

It is therefore suggested that we may fix the penalty as twenty times the A

water rates.

DS / LD / CJ

160) 'A' may kindly be agreed to. 28/9

157) 29/9/68 24/9

M. SHANNAPPA
Jt. Secy. to Govt. P.W.D. (Irrgn.)

G. V. VENKATA RAMU,
Jt. Secy. P.W. & Elec. Deptt.

Secy, PWD. 23/9
No 6699 Date

161) V. Patil 9/10

(VEERENDRA PATIL)
Chief Minister.

Chief Min.
No. 3176 Date
3/X/68.

Secy PWD

162) 9/10

163) 5/10/68.

164) 9/X

165) Based on the above decision the charge with scrutiny sheet at page 58/C-J as Service Subject. This may now be marked to Law Dept. for drawing of the charge sheet at page 58/C-J Legislation.

2/10/68

L.D. (Dft. II)
No 558 Date 8/10

8/10/68

MDS 8/10

166) 5/X

167 8/10/68

M. SHANNAPPA
Jt. Secy. to Govt. P.W.D. (Irrgn.)

DS / LD

Sri. K. N. Gundappa
2.5.

Note Continuation Sheet

Subject..... Mysore Disturbances (Amendment) Rules 1965 - Laying of Grenades —

File No..... PLD 7 CBS 65 Part-II

Reference and markings	Notes and Orders	Para Numbers
LAW 558/III/68	Department of Laws and Parliamentary Affairs	
	Draft at page 56 of is vetted. No doubt within which objection have to be sent may be pointed in the draft by the Law Ministry	168
	K. N. Gundappa 10/10/68 K. N. GUNDAPPA, Asst. Draftsman & Ex-Officio Under Secy., Law Department.	
	P. W. & E. D.	
	169) The above note of the Law & Parliamentary Affairs may kindly be perused. The draft Notification placed at page 56 ante may kindly be seen scrutinised by the Law Dept. may kindly be perused & approved. 11/x/68 DS 11/x	170)
	ISSUED Dated 14.11.68	

LEGISLATIVE DEPTT.

R. & I. SECTION P. W. & E. D. No. F 46835 Date 10/10/68 Section eb

S.O.

Note Continuation Sheet

Subject... Rules 1965 - Levy of penalty — File No... Rare-11

WD 014899—GPB—8,00,000—11-8-65

Reference and markings	Notes and Orders	Para Numbers

Receipt No. 3[illegible] from the Divnal Comm. Gulb.

172) D.O. No. TBP. DEV. 4503-A/67-68 dt. 28/30-10-68 from the Divnal. Comm. Gulbarga addressed to the Jt. Secy. P.W.D. is placed at page 60 of C.F. for perusal. This is a Reminder. Preliminary Notification amending the Mysore Irrign. Rules, 1965 has been issued (Pl. see P. 59. C.F.). The issue of final notification is awaited. For perusal.

11/XI/68.

173) An endless page to the Divi. Comm. Gulbarga is also released at page 61 of C.F. for perusal or approval.

11/11/68

18.

1749) P.A. rqm

p. 61 of C.F.

175) [illegible] for perusal or approval.

20/11

17/XI

176)

20/XI

22/11/68

Receipt No. 3946/SPL. Irrn. from the Divisional Comm. Mysore Div.

177) The Divisional Commissioner, Mysore Div. has forwarded a copy of his letter dated 16.12.67, which was already received in this office vide page 41 C.F.

178) It seems no action was called for on this reference.

179) Submitted for perusal.

7/12

180) P. Irrn submit to Govt. on 11.12.68.

7/12

Stitching space

M. G. S. | Subject: | File No. 219

WD 01050—GPB—8,00,000 13-12-65

Sl. No. 69. Receipt No. PWD 3979/Spt. Drn 68.

181) Reminder received from the Divisional Commissioner, Gulbarga Dn. may be perused at page 69 C.F.

182) Please see this office letter at page 64 C.F. wherein a copy of Notification No. PWD 72 BW 68 dated 4.11.68 has already been sent to the Divisional Commissioner, Gulbarga Dn. If approved he will be informed accordingly

183) Draft letter is also put up for approval.

9/12.

184) Draft proposal at page 70 C.F. as perused & approved.

8/12

184a) Case put up after issue.

10/12.

185)

10/12

ISSUED
Dated 11.12.68

Sl. No. 171. Receipt No. 3983/Spt. Drn from the Dnl. Commissioner, B'lore Dn.:—

P.W.D. is for perusal at page 71 C.F.

186) The Divisional Commissioner, B'lore Dn. has stated that there are no suggestions to make in respect of the proposed amendment to the Mysore Irrigation Rules, 1965 and the same may be given effect to.

187) Submitted for perusal.

11/12

46 50

Subject: **File No.** PWD 7 CBS 65 Part II **M. G. S.**

Under Sub-Section 1 of Section 64 of Irrigation Act, 1965, the Irrigation Officer is empowered ' to make an order for the recovery of such charges as may be prescribed for such use, from such holders and occupiers, in such proportion as he may find just'.

In view of the above provision, the Law Dept. have opined that Govt. have to take a decision regarding the actual charges that should be recovered by the irrigation officer under this Section and specify the same in the rules issued under the Act.

Accordingly, as per decision of Govt. taken at para 159 to 161 ante (i.e., to fix the penalty as 20 times the water rates) necessary notification calling for objection/suggestion to the proposed draft rules was issued on 4-11-1968 fixing the last date for receiving the applications as 10-12-68.

Chief Min. No. 4411 Dated 20/12/68.

The draft rules have also been published in the gazette dated 22-11-68. as GSR 380-. (a copy is placed at page 55 of C.F. which may be perused)

No objection/suggestions have been received to the proposed draft rules within the prescribed time except from the Divisional Commissioners of Mysore and Bangalore, more or less agreeing to the proposed amendment.

p. 67 of c.f. p. 71 of c.f.

As no objections have been received to the proposed draft rules, the rules may be approved finally.

If put up the draft of the final notification

12/12/68 Secy. enclosed 17/-

12/12/68 Draft of the final notification is also placed at page 72 of C.F. for perusal & approval.

Secy. P. WD

Chief Minister

G. V. VENKATA RAMU, Jt. Secy. P.W. & Elec. Depts.

Secy. PWD No 4813 Date 16/12

May kindly be approved.

CHANDRA PATEL Secy. PWD. 16/12

Secy. P.W.D. Elec. Dept No 8879 Date 20/12

C. M. V. Patil 20/12 (VEERENDRA PATIL) Chief Minister.

Secy PWD

M. G. S. | Subject:

File No. MD 7 CAS 65 (47) Part-II.

LO may please see the final notification - draft at page 72 ante/F and advise as to its ~~Suitabl~~ Suitability before issue

Sri. K. N. Gudappa. U.S. LO

21/12/68.
M. [illegible]APPA
[illegible].D. (Irrgn.)

1670 7
Dtd. 21-12-68

Dept. of Law and Parliamentary Affairs.

Although the notification publishing the draft rules was issued on 4th November 1968, it is seen that it has been actually published in the Mysore Gazette dated 21st November 1968. It was indicated that the draft rules will be taken into consideration on or after the 10th December 1968. It is seen therefore that in effect only 18 days was available for sending objections.

It appears at least one month can be considered as a reasonable period to enable persons affected to forward their objections. To avoid possibility of the rules being attacked ~~from~~ on the ground that a reasonable time was not available for sending objections, it seems advisable that the draft rules are published again and objections called for ensuring that at least a period of not less than one month ~~should be~~ would be available from the date of publication (in the Gazette of the draft rules) to enable ~~the~~ persons

52

Subject: | **File No.** PWD 7 LBW 65-Part II | **M. G. S.**

WD 01050—GPB—8,00,000 13-12-65

concerned to file the objections.

K. M. Chandrappa 23/12/68 LAW 718/VII/68

P.W.&Elecy.Dept.)

K. N. CHANDRAPPA
Asst. Draftsman
Under Secy., Law Department

24 SDL. SO

The above remarks of the Law Dept may kindly be perused. The LD have seen the file items and were asked for giving opinions from legal point - there is no necessity to allow or keep one draft item in framing objections. However there is a possibility of the Rules being attached as this framed.

In this connection it may be seen that amendments proposed to the Rules are not in the terms of Rules effecting the Cahvery area. This is only an elaboration of the provisions of the Act which every Lawyer can be aware of. LD has no objection.

The proposed charge Rules are silent on the elaboration of the term "such charges" appearing in section 64 of the principal Act. This is being clarified further - as the Courts

M. G. S. | Subject: | File No. 53 MD 7 Laws 65 - part-II

draft rules.

~~Since the rules were the rules have been republished~~ again.

26/11/68

201) The draft of the rules to be published may be sent by a D.O. to the Director of printing for publication in the next issue of Gazette

D/S (3)

9/1/69

202) ~~Seeks~~ ~~and a D.O. letter for prevent~~ approval. The draft of Receiving Department/ objections may be ~~dispensed~~ dispatched on 15.2.1969

9/1/69

D/S (2) 203) Issue

9/1/69

ISSUED
Dated 9.1.69

204) Verify if the above notification has been published in the Gazette dated 16.1.1969 — page 46 — para IV - Section 1 — A.

9/
17/1/69

205) C.W.S (Civil)

D. Puri
15/1/1969

9/
17/1/69

206) Submitted for perusal & orders with ref. to para 205 supra.

17/2

56

50) 51

Subject :

File No. 2(27) C/85/65 Part-II

81/Law/VII/69

M. S. S.

WD 01050—GPB—8,00,000 13-12-65

Please see the remarks of the Law Dept. made at para 139 and As observed the Rs. Dept. rules have again published and the Hyderabad Assembly time for forwarding objections upto 15.2.1969.

No objections/suggestions have been received to the aforesaid rules within the stipulated time.

The final draft notification is put up at page 75/C. which may be approved in consultation with the Law Dept.

25/2/69

21/2/69
DE(I)

24/2
J.S.Murthy
25/2

Jt. Secy. L.D (I)
No 69 Date 25/2/1969

Sri. K. N. Gundappa
U/s. L. D
Department of Law and Parliamentary Affairs

Draft at page 75 of is noted.
K. N. Gundappa
26/2/69

P.W & H dept

K. N. GUNDAPPA,
Asst. Draftsman (Selection Grade)
Under Secy., Law Department.

R. & I. SECTION
P. W. & H. Deptt.
No 3825
Date 26 FEB 1969
Section Spl.

FD(D) (C.L. Instn).
No 708 Dated 28/2

M. G. S. | Subject: | File No. D&D 7 Bom 65 Part II.

The final disposition as scrutinised by the Law Dept. may be approved in a note.

28/2/69

Dated 6.3.69

This may be filed as 'B' after perusal & kept in the Branch for some time.

28/10 Acw 28/10.

28/2

GOVERNMENT OF MYSORE

M.S.Shankar Rao,
Divisional Commissioner,
Gulbarga Division

GULBARGA, (RS)
Dated 24.9.....*1966*.

D. O. No. REV-283M-IRR-65-66
Enclosures.

Dear Shri Chandappa Patel,

MYSORE GOVT. SECRETARIAT
No. 3.6.a.IP/66
29 SEP 1966
SPECIAL IRRIGATION

Subject: Mysore Irrigation(Levy of Water Rates) Rules 1965 - levy of penalties for unauthorised use of water - clarification regarding.

--

In the course of discussions on the administration of Mysore Irrigation Act 1965 and the Mysore Irrigation(Water Rate) Rules 1965, during the Deputy Commissioners meeting held in this office on 23rd September 1966, the Deputy Commissioners of Raichur and Bellary have sought for clarifications on the following points:

1. The Officer competent to levy Water rate under Section 28(5) of the Mysore Irrigation Act, has not been prescribed in the Rules made thereunder

SECRETARY TO GOVERNMENT
No. PO. 1369
Date 28 SEP 1966
PUBLIC WORKS & ELEC. DEPT.

2. Since the Irrigation Act, has come into force on 1-1-1966, Government orders regulating the levy of penalties for unauthorised use of water in TBP areas require to be extended till the date of commencement of the Act.

As regards point(1), the position is as follows:-

Section 28(5) of the Mysore Irrigation Act envisages that in case of unauthorised use of water, in addition to any penalty payable under the Act, water rate not being less than ten times and not exceeding thirty times, shall be levied by the 'prescribed Officer'. The Rules made under the Irrigation Act do not prescribe any officer invested with the powers under Section 28(5) of the Act. Similarly the Irrigation ~~Act~~ ~~Rules~~ Officers notified in Notification No.S.O.3722 dated 31st December 1965 cannot be deemed to be the 'prescribed Officer' for the purpose of determining water rate under sub-section 5 of Section 28 of the Act. It can however be inferred that the Tahsildar, who has been empowered to determine the water rate, as per Rule 4 of the Mysore Irrigation (Levy of Water Rate) Rules, 1965, may be deemed to be the prescribed Officer for the purpose of the aforesaid Section. But since the Water Rate Rules have been framed under the Mysore - Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957, it will not be correct to interpret that an Officer empowered under the Mysore Irrigation(Levy of Betterment Contribution and Levy of Water Rate Act) 1957 is also the Officer prescribed under the Mysore Irrigation Act 1965. It is therefore requested that the difficulty may be removed by issuing a notification to the effect that the Tahsildar shall be the 'prescribed officer' for determining the penal water rate contemplated in Section 28(5) of the Mysore Irrigation Act 1965.

P.T.O.

As regards the second point I am enclosing herewith a copy of letter No.56/66 A-2 dated 21-1-1966 received from the Deputy Commissioner, Bellary which is self explanatory. The first para of the letter relates to applicability of the Water rate Rules to the TBP area, and requires no further clarification as the provisions of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 are applicable to the TBP area also and there is no ambiguity about it. The point now for consideration is about the provision regarding levy of penalties. As can be seen from the second para of the Deputy Commissioner's letter, the imposition of penalties in the TBP area for unauthorised use of water was regulated through the Government orders mentioned therein and issued from time to time and that - there is need to extend their applicability till the date of commencement of the Mysore Irrigation Act 1965. It is therefore requested that the time limit prescribed in the last Government orders dated 20-5-1965 may kindly be extended so as to cover the year 1965-66 also.

Orders of Government may please be obtained on the above points and communicated at an early date.

The matter may be treated as urgent as several writ petitions are stated to have been filed before the High Court, challenging the powers to levy penalty in the absence of specific provisions in the rules.

Yours sincerely,

Shri Chandappa Patil,
Secretary to Government,
P.W.D.Mysore Bangalore.

(60) 5

Copy of letter No. LRR.C.No.[illegible]/66-A-2 Dated 21-1-1966 from the Deputy Commissioner, Bellary, addressed to the Divisional Commissioner, Bangalore division, Bangalore.

Subject: The Mysore Irrigation (Levy of Water rates) Rules 1965 - implementation of the Rules with effect from 1-2-1965 - clarification requested; - - - - - - - - - - - - - - -

Reference: Government Notification No. PWD.33. LBW.64 dated 28-12-1965.

I have examined the question of implementation of the above rules in this district. I feel that clarification on the following points would be necessary for issuing instructions to the subordinate officers to collect the water rates in accordance with these rules.

1. Applicability of the Rules to the T.B.P. area:-

There are two sets of Rules for the levy of water rates in this district, one relating to the T.B.P. area and another set of orders relating to the non-T.B.P. area. The water rate Rules for the non-T.B.P. area are contained in the Madras Board Standing orders and the levy of water rates in the T.B.P. area is regulated as per Government orders issued from time to time. The statutory authority for the levy of water rates in the non-T.B.P. area is the Madras Irrigation Cess Act xxx 1865. For the T.B.P. area also, it can be said that the Government orders are issued under the purported authority of the Madras Irrigation cess Act 1865.

The water rates notified under the authority of the Madras Irrigation cess Act 1865 stand repealed with effect from 1-7-1966. Hence, the Mysore Irrigation (Levy of water rates) rules are the only Rules which govern the levy of water rates from 1-7-1965 for the lands irrigated under all sources of irrigation. But there are two charging sections in the Mysore (Levy of Betterment contribution and water rates) Act 1957 as amended by 1963 amending Act. Section 10 of the Act relates to the levy of water rates in respect of water supplied from Government irrigation works generally and Section 10.A of the Act relates to the extension of these Rules to the Tungabhadra Project. In G.L. No. DRL.1 BTX.61 Dated 8-1-1963, in which the position of the T.B.P. area for the levy of local cess was clarified, it was stated:-

> It is seem that the Tungabhadra Board does not distribute water to the Agriculturists direct but the Government of Mysore distributes it and levies charges.

In view of what was stated in the above Government letter I presume that these rules apply to the T.B.P. area also. I request that the presumption may kindly be confirmed. In the event of there being any technical difficulty in the applicationof these Rules to the T.B.P. area, I request you kindly to address the Government for according sanction to the levy of water rates and imposition of penalties sanctioned

cont.

in the marginally noted Government orders during the year 1965-66. Since the collection season has already commenced and some time will be required to prepare the correct demand lists either under the old rules or the new rules, I solicit the favour of very early orders in the matter. In this connection, I have to state that notices have to be served on all the ayacutdars under Rule 4 of the new Rules without further loss of time. Otherwise, the collection work would be seriously affected.

1.G.O.No. RD.10-2216/20/ER.17-65-73 dated 16-5-1966.
2.G.O.No. RD.11. GWR.63 Dt.19-8-63;
3.G.O.No. RD.1 GWR.64 of 16-4-64.
4.G.O.No. RD.21-PWR.64 of 20/26-5-66

2. There is no provision in these Rules for the imposition of penalties for unauthorised Irrigation. No doubt, penal water rates could be levied under the provisions of the Mysore Irrigation Act 1965 which has also come into force with effect from 1-1-1966. But it is not possible to observe retrospectively the formalities prescribed under Section 27 and 32 of the M.I. Act 1965 for the year 1965-66. The observance of these formalities is a condition precedent to the imposition of any penalty under the Act. In the circumstances, it would be necessaryto impose the penalties prescribed under the Madras B.S.O's and the Government orders referred to in the margin for the year 1965-66. Since the provisions corresponding to the levy of penal water rates under the repealed rules and orders have not been made in the M.I. (Levy of Water Rate) Rules 1966, I presume that Section 9 of the Mysore Irrigation (Levy of Betterment contribution and Water Rate) Amendment Act 1963 would validate the collection of penal water rates under the repealed enactments until new rates are notified under the 1965 rules. In the circumstances a clarification from Government would be necessary. In so far as the T.B.P. area is concerned, the imposition of penalties sanctioned in the marginally noted Government orders has to be continued for a further period of one year ie., 1965-66. In the non-T.B.P.area, for the avoidance of doubts it may be clarified that the rules relating to the levy of penal water rates under the Madras B.S.O's would apply for the year 1965-66.

1.G.O. No. RD.11 BWR.63 of 19-8-63
2.G.O. No. RD.1 GWR.64 of 16-4-64.
3.G.O. No. RD.21-PWR.65 Dt.20/26-5-65.

I request the favour of very early orders in the matter.

Yours faithfully.,
Sd. Zafar Saifullah.
Deputy Commissioner.

(True copy)

For Dy.Commissioner.

Zaheer Saifullah, IAS.,
Deputy Commissioner,

Bellary,

Dated: 11-11-1966.

No. 56/66.R.9.

SECRETARY TO GOVERNMENT
D.O. 1493
15 NOV 1966
PUBLIC WORKS & ELEC. DEPT.

Dear Sri

1841
1966
Sp 17
MYSORE GOVT. SECRETARIAT
No.
15 NOV 1966
P.W.D. (SPECIAL IRRIGATION)

Sub: The Mysore Irrigation (Levy of water rate) Rules 1965 - levy of penalties for unauthorised irrigation - regarding.

May I refer to your D.O. letter No.REV.2834-IRR Page 1 of. 65-66, dated 26-9-1966 addressed to the Secretary to Government, Public Works Department?

2. The Mysore Irrigation Act, 1965, has come into force from 1-1-1966. Penalties for unauthorised use of water are to be levied under this Act. Until 31-3-1965, penalties were levied under the G.O. No.RD 21 EWR 65 of 26-5-1965. The Mysore Irrigation (Levy of Water Rate) Rules have come into force from 1-7-1965. But they do not provide for the levy of penalty for unauthorised use of water. Thus, there is a statutory lacuna in that there is no enabling provision which was in operation between 1-4-1965 and 31-12-1965 to cover the levy of penalties.

3. In your D.O. letter dated 24-9-1966, you have sought orders of Government extending the validity of the G.O. dated 26-5-1965 for the year 1965-66. Even after 1-1-1966, penalties under the new Irrigation Act can be levied after following the formalities prescribed under Sections 27 and 32 of the Act, which cannot be done retrospectively. The only way by which this position can be rectified is to continue the validity of the G.O. dated 26-5-1965 upto the end of the year 1966-67. As explained if this is not done quickly, it may be difficult to pursue recovery of penalties and the levy itself will lay officers open to liability in civil proceedings.

P.T.O.

4. I may submit that extension of the validity of the G.O. of 26-5-1965 beyond 31-3-1967 will not be necessary because proposals for the formation of Irrigation Consultative Committees under Section 27 of the Mysore Irrigation Act, 1965, have already been forwarded, vide your letter No.TBP/DEV/2640/66-67, dated 2-11-1966, addressed to the Secretary to Government, Public Works Department, Bangalore. After the Committees are formed it would be possible to notify the cropping pattern and impose penalties for its breach from 1967-68 onwards under the provisions of the Mysore Irrigation Act 1965.

Yours sincerely,

Sd/-

Sri. M.S.Shankara Rao, KIAS.,
Divisional Commissioner,
Gulbarga Division,
GULBARGA.

(Copy)

Copy with compliments to Sri.Chandappa Patil, I.A.S., Secretary to Government, Public Works Department, Bangalore and Sri.B.S.Srikantiah, I.A.S., Secretary to Government, Revenue Department, Bangalore, for favour of information and necessary action.

(Zafar Saifullah)
Deputy Commissioner,
Bellary.

GOVERNMENT OF MYSORE

N.S.Shankar Rao,
Divisional Commissioner,
Gulbarga Division

GULBARGA, (RS)

Dated 24th Nov. *196* 6.

D. O. No. **REV/2834/IRR/65-66.**

SECRETARY TO GOVERNMENT
D.O. 1541.
28 NOV 1966
PUBLIC WORKS & ELEC. DEPT.

Dear Sri. Chandappa Patel,

Subs- **Mysore Irrigation (Levy of Water rates) Rules 1965 - Levy of penalties for unauthorised use of water - clarification regarding.**

*****

.....

Please refer to my D.O. letter of even number dated 24th. September 1966 on the above - subject. Government Orders on the points mentioned in the said letter are still awaited. Govt. Orders, especially in respect of extension of the time limit of the Order dated 26th. May 1965 - regarding levy of penalties in the T.B.P. area, are urgently required for validating the penalties levied in those areas from 31-3-1965. I enclose herewith a copy of D.O. letter dated 11-11-1966 received from the Deputy Commissioner Bellary which explains the position clearly.

I request you kindly to obtain and communicate orders of Government as suggested at earlier at a very early date.

Yours sincerely,

/N.S.Shankar Rao

To

Sri. Chandappa Patel, IAS.,
Secretary to Govt.of Mysore,
Public Works Department,
BANGALORE.

Copy of the D.O. letter No.56/66.R.9. dated 11-11-1966, from the Deputy Commissioner, Bellary, addressed to the Divisional Commissioner, Gulbarga.

Dear Sri. Shankar Rao,

Sub:- The Mysore Irrigation (Levy of Water rate) Rules 1965 - Levy of penalties for unauthorised irrigation - regarding.

May I refer to your D.O. letter No.REV.2834. IRR.65.66, dated 24-9-1966 addressed to the Secretary to Government, Public Works Department.

2. The Mysore Irrigation Act, 1965, has come into force from 1-1-1966. Penalties for unauthorised use of water as to be levied under this Act. Until - 31-3-1965, penalties were levied under the G.O.No.RD.21. EWR.65 of 26-5-1965. The Mysore Irrigation (Levy of Water Rate) Rules have come into force from 1-7-1965. But they not provide for the levy of penalty for unauthorised use of water. Thus, there is a statutory lacuna in that there is no enabling provision which was in operation between 1-4-1965 and 31-12-1965 to cover the levy of penalties.

3. In your D.O. letter dated 24-9-1966, you have sought orders of Govt. extending the validity of the G.O. dated 26-5-1965 for the year 1965-66. Even after 1-1-1966, penalties under the new Irrigation Act can be levied after following the formalities prescribed under Sections 27 and 32 of the Act, which cannot be done retrospectively. The only way by which this position can be rectified is to continue the validity of the G.O. dated 26-5-1965 upto the end of the year 1966-67. As explained if this is not done quickly, it may be - difficult to pursue recovery of penalties and the levy itself will lay officers open to liability in civil proceedings.

4. I may submit that extension of the validity of the G.O. of 26-5-1965 beyond 31-3-1967 will not be necessary because proposals for the formation of Irrigation consultative Committees under Section 27 of the Mysore Irrigation Act, 1965, have already been forwarded, vide your letter No.TRP/DEV/2649/66-67, dated 2-11-1966, addressed to the Secretary to Govt. Public Works Dept., Bangalore. After the Committees are - formed it would be possible to notify the cropping pattern and impose penalties for its breach from 1967-68 onwards under the penal provisions of the Mysore Irrigation Act 1965.

With regards.

Yours sincerely,

Sd/-

Sri. M.S. Shankara Rao, IAS.,
Divisional Commissioner,
Gulbarga Division,
Gulbarga.

/ TRUE COPY /

3
11.

Dear Shri Shankar Rao,

Sub:-Mysore Irrigation (Levy of Water Rates) Rules 1965 - Levy of penalties for unauthorised use of water - clarification regarding.

--

Please refer to your D.O. letter No.REV/2834/IRR/65-66 dated 24.11.66 on the above subject.. Your proposal regarding the levy of penalties in the T.B.P. area is under consideration in the Revenue Department. The question in regard to the continuance or otherwise of the validity of the Govt.Order dated 26.5.65 upto the end of the 1966-67 in view of thexxe several difficulties pointed out by you in following the rules is being examined in consultation with the Law Department.

I have requested the Secretary to Govt. Revenue Department to expedite the matter.

Yours sincerely,

To

Shri M.S.Shanker Rao,
Divisional Commissioner,
Gulbarga Division,
Gulbarga.

Copy with a copy of letter No.REV/2834 IRR/6566 dated 24.11.66 of the Divisional Commissioner, Gulbarga Dn. is forwarded to the Secretary to Govt. R.D. for favour of immediate needful action. This has reference their file bearing No.RD.48 LWR 66.

SECRETARY TO GOVT.
P.W.&E.

12

Kannada.

Copy of D.O.letter No.56/66.R.9 dated 11.11.1966, from the Dy.Commissioner,Bellary, to the Divisional Commissioner,Gulbarga.

--

Sub:-The Mysore Irrigation (Levy of Water Rate) Rules 1965 - Levy of penalties for unauthorised Irrigation - reg:

May I refer to your D.O.letter No.REV.3834.IRR.65.66 dated 24.9.66 addressed to the Secretary to Govt. P.W.D.

The Mysore Irrigation Act, 1965, has come into force from 1.1.1966. Penalties for unauthorised use of water as to be levied under this Act. Until 31.3.65, penalties were levied under the G.O.No.RD.21 EWR.65 of 26.5.65. The Mysore Irrigation (levy of Water Rate) Rules have come into force from 1.7.65. But they not provide for the levy of penalty for unauthorised use of water. Thus there is a statutory lacuna in that there is no enabling provision which was in operation between 1.4.65 and 31.12.65 to cover the levy of penalties.

In your D.O.letter dated 24.9.66, you have sought orders of Govt. extending the validity of the G.O. dated 26.5.65 for the year 1965-66. Even after 1.1.66, Penalties under the new irrigation act can be levied after following the formalities prescribed under section 27 and 32 of the Act, which cannot be done retrospectively. The only way by which this position can be rectified is to continue the validity of the G.O. dated 26.5.65 upto the end of the year 1966-67. As explained if this is not done quickly, it may be difficult to pursue recovery of penalties and the levy itself will lay officers open to liability in civil proceedings.

I may submit that extension of the validity of the G.O. of 26.5.65 beyond 31.3.67 will not be necessary because proposals for the formation of Irrigation consultative Committees under Section 27 of the Mysore Irrigation Act, 1965, have already been forwarded, vide your letter N .TBP/DEV/2649/66-67, dated 2-11-1966, addressed to the Secretary to Govt. Public Works Dept. Bangalore. After the Committees are formed it would be possible to natify the croping pattern and impose penalties for its breach from 1967-68 onwards under the provisions of the Mysore Irrigation Act, 1965.

With regards.

Yours Sincerely,

Sd/-

Shri M.S. Shankara Rao, IAS.,
Divisional Commissioner,
Gulbarga Division,
Gulbarga.

(True Copy)

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[redacted] Patel, I.A.S.,

GOVERNMENT OF MYSORE,
P. W. AND ELECL. DEPARTMENT,
BANGALORE,

Dated 30th November 1966

2-12-

D.O.No.PWD.7L/65 65: Supp

Dear Sri, Shanker Rao,

Sub:-Mysore Irrigation (Levy of Water Rates) Rules 1965 - Levy of penalties for unauthorised use of water - Clarification regarding.

Please refer to your D.O. letter No.REV/2834/IRR/65-66 dated 24.11.66 on the above subject. Your proposal regarding the levy of penalties in the T.B.P. area is under consideration in the Revenue Department. The question in regard to the continuance or otherwise of the validity of the Govt. Order dated 26.5.65 upto the end of the 1966-67 in view of the several difficulties pointed out by you in following the rules is being examined in consultation with the Law Department.

I have requested the Secretary to Govt. Revenue Department to expedite the matter.

Yours sincerely,

Sd/- Chandappa Patel

Sri M.S.Shanker Rao, IAS,
Divisional Commissioner,
Gulbarga Division,
Gulbarga.

Copy with a copy of letter No.REV/2834/IRR/6566 dated-24.11.66 of the Divisional Commissioner, Gulbarga Dn. is forwarded to the Secretary to Govt. R.D. for favour of immediate needful action. This has reference to their file bearing No.RD.48 ERR 66.

Issued
Dated 24/12/66

SECRETARY TO GOVERNMENT,
P.W.&E.DEPARTMENT.

D.O.No.REV/475/IRR/66-67. Dated:-16-1-1967.

Dear Sri.Srikanthaiah,

Subject:-Mysore Irrigation (Levy of Water Rates) Rules 1965-Levy of penalties for unauthorised use of water.Clarification,regarding.

Please refer to my D.O.Letter of even number dated 24th September 1966 addressedto Shri.Chandappa Patil, Secretary to Government Public Works Department with a copy marked to you on the above subject. Shri.Patil in his D.O.Letter dated 2-12-1966 has informed that the question in regard to the continuance or otherwise of the validity of Government order dated 26-5-1965 upto the end of 1966-67 in view of the several difficulties pointed out in my letter is under consideration of Revenue Departmentand that it is being examined in consultation with the Law Department. No orders have so far been received in this behalf. The Deputy Commissioner,Bellary has written to me that since the collection seasons in his District starts from January every year, it is essential to have Government Orders before thedemand notices are issued to the ryots. I am enclosing a copy of his letter dated 25-12-1966 in this behalf. He has indicated that he proposes to discuss this issue with the Secretary to Government P.W.D. in this behalf. I request you kindly to obtain and communicate the orders of Government extending the validity of orders beyond 20th May 1965 as suggested in my letter dated 24th September 1966. The matter may kindly be treated as urgent and orders of Government, communicated soon.

Yours sincerely,

Sd/-
(M.S.Shankara Rao)

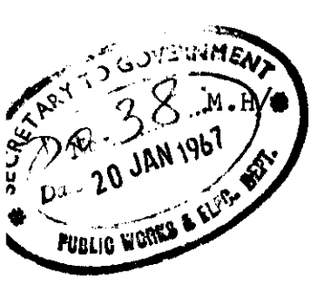
Shri.B.S.Srikanthaiah,IAS.,
Secy.To Govt.Rev.Dept.,
Bangalore.

Copies to:-

1. Sri.Chandappa Patel,IAS,Secretary to Government P.W.D. for information with reference to his letter No.PWD 7LBW 65 Suppl dated 2-12-1966.
2. Shri.Zafar Saifulla,IAS,Deputy Commissioner,Bellary for information with reference to his letter No.56/66 R9 dated 25-12-1966.

M.S. Rao 18.1.67

For Divisional Commissioner,
Gulbarga.



DRAFT D.O.

Dear Sri....

Sub:- Mysore Irrigation (Levy of Water Rates)Rules 1965 - Levy of penalties for unauthorised use of water.

Please refer to ~~copy of~~ my D.O. letter No. PWD-7-LBW 65 (Suppl) dated 2-12-1966 addressed to the Divisional Commissioner, Gulberga Division and copies of same to you on the subject ~~xxxxx~~ mentioned above.

It is reported that the collection seasons in Bellary District start from January every year and it is essential to have Government Orders before the demand notices are issued to the ryots. The Divisional Commissioner Gulberga Divn, is therefore pressing for early orders of Govt; in the matter. I request you to kindly look into the matter personally and see that necessary orders are communicated early.

This had reference to the Telephonic discussion I had with you

Yours sincerely,

To

Shri D.S.Srikantiah
Revenue Secretary
Vidhana Soudha BANGALORE.

Copy to the Divisional Commissioner Gulberga Divn; for information with reference to his D.O. No.REV /475/III/66-67 dated 16-1-1967.

Government of Mysore

M.S.Shankara Rao,
Divisional Commissioner,
Gulbarga.

No.D.O. REV/475/IRR/66-67

Gulbarga.

Dated: 6/7 July 1967

Dear Shri Chandappa Patel,

Sub: Mysore Irrigation(Levy of Water rate) Rules, 1965 - Levy of penalties for un-authorised use of water - clarifidation regarding.

--

Please refer to my D.O. letter of even No. dated 24-9-1966. In this letter I had specifically pointed out that the officer competent to levy water rate under Section 28(5) of the Mysore Irrigation Act, 1965 has not been prescribed in the Rules or through a separate notification. In the absence of Notification - appointing the Prescribed Officer, it is not legally possible to levy penal water rate on the persons who use water from an irrigation work without obtaining permission required under the provisions of the Irrigation Act. This has resulted in difficulties in regulating the water for irrigation and also in checking the unauthorised irrigation. Unless the prescribed officer is notified early, the irrigation system under Tungabhadra Project is likely to be affected as there would not be any check on the unauthorised use of water. I request you to notify the Prescribed Officer under the provisions of the Act soon.

Section 28(5) of the Mysore Irrigation Act 1965 lays down that the user of water from an irrigation work, without obtaining the permission required under Section 28 shall, in addition to any penalty under this Act for such unauthorised use of water, be liable to pay water rate at a higher rate. Sub-Section 5 of Section 28 of the Mysore Irrigation Act 1965 reads as follows:

" If any person uses water from an irrigation work without obtaining the permission required under this section, he shall in addition to any penalty he incurs under this Act for such unauthorised use of water, be liable to pay water rate at such rate as may be determined by the prescribed officer not being less than ten times and not exceeding thirty times the rate he would otherwise have been required to pay, had he - applied for and obtained the permission".

I have discussed the implications of this sub-section with the Deputy Commissioners concerned as well as the Superintending Engineers under the T.B.P. I feel that ten times the normal water rate, which would be too heavy and in some cases the cultivator cannot pay this amount even by selling the entire produce raised on his land. We therefore considered it necessary to show some consideration to the cultivators who commit the offence for the first time, and therefore suggest that some discretion should be invested with the Prescribed Officer to levy the penal water rate at not more than 10 times for the first offence. The maximum - penal water rate proposed could be left un-altered. In view of this, I request you to suitably amend sub-section 5 of Section 28 of the Mysore Irrigation Act, 1965 to enable the Prescribed - Officer to use his discretion in cases of unauthorised use of water on the first occassion. A draft amendment to sub-section 5 of Section 28 is enclosed for reference.

Contd.

The draft amendment to the Mysore Irrigation (levy of water rates)(Amendment) Rules, 1967 has been published by the Government through their Notification No.PWD 10 LBW dated - 23-6-1967. In this notification nothing is mentioned about the procedure for the determination of water rate. Rule 4 of the Mysore Irrigation(levy of water rates) Rules 1965 clearly prescribes the procedure for the determination of water rate. In the proposed amendment, Rule 4 is proposed to be omitted. No alternatige procedure for determination of the water rate has been incorporated in the proposed amendment. Unless this is included in the rules, there would be difficulty in determining the water rate. In this connection Section 10 of the - Mysore Irrigation(Levy of betterment contribution & Water rate) Act, 1957 lays down that the Government shall levy the water rate and prescribe the rates at which the water rate shall be levied, and also prescribe the manner in which and the authority by which the amount of water rate shall be determined. In view of the clear wordings of the Act, failure to prescribe the procedure for determination of the water rate would be a lacuna and may give rise to legal complications. I w ould therefore request you to get the matter examined and incorporate a suitable procedure for the determination of water rate in the proposed rules. Here I may mention that the procedure for determination of water rate as it exists to-day is very difficult to be followed. It involves lot of clerical work and waste of stationery for the office and naturally results in avoidable delay in finalising the demand. Now that the Government propose to revise the water rate broadly on the basis of the intensity of irrigation such as, perennial, wet, baghat and light irrigation, it is desirable to make semi-permanent settlement of wwater rate on the lands based on localisation scheme as is done in the case of land revenue. Exceptions will have to be made in the cases of unauthorised irrigation or the irrigations under Section 28 of the Mysore Irrigation Act, 1965 for which a separate procedure will have to be prescribed. But such cases will be comparatively few and may not warrant the employment of additional staff which would be necessary if the procedure now proposed to be omitted is retained.

The localisation pattern now in vogue in the T.B.P. area does not contemplate the growing of green manurial crops for which a separate water rate is proposed. I understand that this crop is essentially a rotational crop necessary to enrich the fertility of the soil. Similarly after every two or three Sugar-cane crop, it would be necessary to grow a paddy or - green manure crop to tone up the fertility of the soil, although the particular land may have been localised for perennial or sugar cane crop. In such cases, growing of green manurial crops may be permitted and the water rate now proposed for that crop may be levied irrespective of the fact whether the land is localised for perennial, wet or light irrigation. This will require an enabling rule under the Mysore Irrigation Act,1965 permitting the Irrigation Officer to levy the water rate of green manure crops on lands actually under this crop, irrespective of intensity of irrigation prescribed for that land. If this provision is not included, the water rate at the rate prescribed for the intensity of irrigation for which it is - localised, shall have to be levied although the cultivator might have actually grown green manure crop.

I request you kindly to obtain and communicate Government orders on the following points:

(1) Notify the Prescribed Officer as required under Sub-section 5 of Section 28 of the Act to enable the officer to levy the penal water rate.

Cont...

C. F. No. 45] GOVERNMENT OF MYSORE

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Tele-phone

OFFICE OF THE
Divisional Commissioner,
Gulbarga.

No. TBP/DEV/135/67-68
Encls.

Date 14th July, 1967.

To

The Secretary to the Govt. of Mysore,
Public Works Department, Bangalore.

Sir,

Sub:- Mysore Irrigation Act 1965 - Penalty for unauthorised irrigation-Misuse of water.

Please refer to this Office letter No:TBP DEV 135 67-68dated 26.4.1967 & 29.5.67. I request you kindly to intimate the present stage of the case early.

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

....

(2) to prescribe a procedure for the determination of water rate in the relevant rules in lieu of rule 4.

(3) To use discretion in matter of levying penal water rate for unauthorised use of water in cases of first offences, by the prescribed officer.

(4) to frame a rule enabling the growing of green manure crops irrespective of localisation.

Yours sincerely,

Shri Chandappa Patel,IAS,
Secretary to Government,
Public Works Department,
Bangalore.

DRAFT AMENDMENT TO SECTION 28(5) OF THE IRRIGATION ACT

--

Please substitute sub-section 5 of Section 28 with the following:

If any person uses water from an Irrigation - Work without obtaining the permission required under this section, he shall, in addition to any penalty he incurs under this Act for such unauthorised use of - water , be liable to pay water rate at such rate as may be determined by the Prescribed Officer, which shall not exceed 30 times the rate he would otherwise have been required to pay had he applied for and obtained the permission.

PROVIDED that the Prescribed Officer shall not levy a water rate at more than 10 times the normal water rate for the first offence, and for any repeated offences, the water rate shall not be less than 10 - times normal water rate.

Divisional Commissioner,
Gulbarga.

MD.

Subsd. for Perusal. The main file No.
Pub)7 LBW 65. Part II has been submitted to
Joint Secy. on 14.7.1967

24/7/67

24/7/67

24/7

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GOVERNMENT OF MYSORE

No. IRR 31 C 3152/67-68

Office of the Divisional Commissioner,
Mysore Division,
Mysore-5, Dated, 22nd July 1967.

To

The Secretary to the Government of Mysore,
Public Works Department, P.B.No. 346,
'Vidhana Soudha', Bangalore-1

Sir,

Sub: Mysore Irrigation Act 1965 - Levy of Penalties for unauthorised use of Water - clarification regarding - suggestions of the Divisional Commissioner, Gulbarga Division, - Remarks.

Ref: D.O. No. RRV/475/IRR/66-67 dated .. July 1967 of the Divisional Commissioner, Gulbarga.

In his letter cited, the Divisional Commissioner, Gulbarga has suggested the following:-

1. To notify the prescribed Officer under Sub-Section 5 of Section 28 of the Mysore Irrigation Act 1965 to levy penal water rates.
2. To authorise the Prescribed Officers to use discretion in the matter of levying penal water rate for unauthorised use of water in the case of first offences.
3. To prescribe the procedure for the determination of water rates.
4. To frame rules enabling the growing of green manure crops irrspective of localisation.

I have examined these suggestions and my remarks on them are as follows:-

Items 1 and 2: It is true that the Government have not prescribed the Officer competent to levy penal water rates in respect of unatthorised use of water from an irrigation work under Sub-Section 5 of Section 28 of the Mysore Irrigation Act 1965. This has created a vacuum and cases of unauthorised use of water are not being booked either by the Tahsildars or by the Officers of the Public Works Department. Since the levy of water rate under Rule 4 of theMysore (Levy of Water Rate) Rules 1965 is determined by the Tahsildars of Taluks, I suggest that the Tahsildars may also be authorised as prescribed Officers under Section 28(5) of the Mysore Irrigation Act 1965. I agree with the suggestions of the DivisionalCommissioner Gulbarga that the first offences of unauthorised use of water will have to be given lenient treatment and that discretion may be given to the prescribed Officers to levy penalty at not more than ten times the normal water rate for such first offences. The amendment proposed by the Divisional Commissioner Gulbarga to Section 28(5) of the Mysore Irrigation Act 1965 may therefore be taken up for consideration.

P.T.O.

In addition I would suggest that a provision may also be made in this section to provide for the recovery of penalty imposed as an arrear of Land Revenue. Though the water rates levied under the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act 1957 (Act 28 of 1957 as amended, is recoverable in the same manner as arrears of Land Revenue due on the land under Section 10(3) of the said Act, such a treatment cannot be extended to the levy of penalty under Section 28(5) of the Mysore Irrigation Act 1965. unless definite provision is made in the said Act.

Item No.3: What has been proposed to be omitted in the Draft Water Rate Amendment Rules 1967 issued in Government Notification No.PWD 10 LBW 67 dated 23.6.67 is Rule (4) of the Mysore Irrigation (Levy of Water Rate) (Amendment) Rules 1966 and not rule 4 of the Mysore Irrigation Levy of Water Rate Rules 1965. Since the latter continues to be in force, there seems to be no need to prescribe the procedure for determination of water rate as suggested by the Divisional Commissioner, Gulbarga.

Item No. 4: This is a local problem of Gulbarga and I have no remarks to offer.

Yours faithfully,

M. Krishnamurthy Achar

(M.Krishna Murthy Achar)
For Divisional Commissioner,
Mysore Division.
22/7/67

Draft approved by the
Divisional Commissioner.

Submitted

The main file No PWD 7 LBW 65 Part II has been submitted to Joint Secy. on 14.7.1967

Please see letter of the Collector and the main file

25/7/67

26/7/67

29/7

Reg. No. B.G. 202.

The Mysore Gazette

PUBLISHED BY AUTHORITY

EXTRAORDINARY)
PART IV—2.C (ii)

BANGALORE, FRIDAY, DECEMBER 31, 1965
(PUSHYA 10, SAKA ERA 1887). | No. 247

PUBLIC WORKS SECRETARIAT (IRRIGATION).

NOTIFICATION.

angalore dated 31st December 1965.

S. O. 3722.—In exercise of the powers conferred by Section 3 of the Mysore Irrigation Act, 1965 (Mysore Act 16 of 1965), the Government of Mysore hereby invests the officers of the Public Works Department, specified in column (1) of the following Table with the powers and duties of an Irrigation Officer conferred and imposed under the provisions of the said Act, specified in the corresponding entry of column (2) of the said Table.

TABLE

(1)	(2)
Chief Engineer for Irrigation.	Sections 5 (2), 6, 46 and 52.
Superintending Engineer, in-charge of the Irrigation work.	Sections 12, 13 and 53 and sections 27, 28, 32 and 49 in respect of Major Irrigation works
Executive Engineer in-charge of the irrigation work.	Sections 7, 8, 15, 18, 19, 21, 22, 23, 24, 25, 26, 31, 33, 35, 46, 47, 48, 50, 51, 56, 63 and 64 and sections 27, 28, 32 and 49 in respect of irrigation works other than Major Irrigation works.
Assistant Engineer in-charge of the irrigation work.	Section 40.

For purposes of this notification "major irrigation work" means an Irrigation work costing more than Rupees five crores.

[PWD 63 LBW 64-5]

By Order and in the name of the Governor of Mysore.

M. CHANNAPPA, *Deputy Secy*,

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

PUBLIC WORKS SECRETARIAT (IRRIGATION).

NOTIFICATION.

Bangalore, dated 28rd June 1967.

G. S. R. 275.—The draft of the following rules further to amend the Mysore Irrigation (Levy of Water Rates) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by Section 11 of the Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957), is hereby published as required by sub-section (1) of the said Section 11 for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 29th of July 1967.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to the Government of Mysore, Public Works Department, Vidhana Soudha, Bangalore-1.

1. Title and Commencement.—These rules may be called the Mysore Irrigation (Levy of Water Rates) (Amendment) Rules, 1967.

(2) Rule 2 shall be deemed to have come into force on the first day of July 1965.

2. Amendment of Rule 3.—In rule 3 of the Mysore Irrigation (Levy of Water Rates) Rules, 1965,

(1) in sub-rule (1),

(a) for clause (*a*) and the Table therein, the following clause and Table shall be substituted, namely:—

"(*a*) in respect of water supplied, made available or used from the Irrigation works specified in Parts I and II of the Table below for growing the

different crops specified in column (1) of the said Table, water rates at the rates specified in the corresponding entry in column (2) of the said Table shall, in respect of each such crop grown, be levied.

TABLE

PART I.

Irrigation work capable of irrigating not more than one hundred acres of land :

Crop 1	Water Rate per acre 2
(i) For sugarcane crop—	
(a) to be harvested within a period of twelve months.	Twenty rupees.
(b) to be harvested after a period of twelve months but before a period of eighteen months.	Thirty rupees.
(ii) For paddy crop	Eleven rupees.
(iii) For any crop of Jowar, Maize, Ragi, Navane, Sajje, Pulses, Green Gram, Wheat, Cotton, Groundnut, Vegetables, Chillies, Potatoes, Sweet Potatoes, Gingelly, Onions, Tobacco, or corriander.	Five rupees and fifty paise.
(iv) For any manurial crop such as, Sannhemp or Seshania.	Three rupees.

PART II.

Irrigation work capable of irrigating more than one hundred acres of land.

Crop 1	Water rate per acre. 2
(i) For sugarcane crop–	
(a) to be harvested within a period of twelve months.	Thirty rupees.
(b) to be harvested after a period of twelve months but before a period of eighteen months.	Forty-five rupees.
(ii) For paddy crop.	Sixteen rupees.
(iii) For any crop of Jowar, Maize, Ragi, Navane, Sajje, Pulses, Greengram, Wheat, Cotton, Groundnuts, Vegetables, Chillies, Potatoes, Sweet Potatoes, Gingelly, Onions, Tobacco or Corriander.	Eight rupees.
(iv) For manurial crops, namely, Sannhemp or Sesbania.	Four rupees.

(b) for clause (*b*) and the Table therein the following clause and Table shall be substituted, namely :—

"(*b*) in respect of water supplied, made available ro used from any irrigation works specified in column (1) of the table below for the irrigation of lands on which arecanut, plantain, betel leaves, turmeric, lime, oranges, pomegranates, coconut, pepper, mulberry, or any fruit is grown, water rates at the rates specified in columm (2) of the said Table shall, in respect of each revenue year be levied.

TABLE

Irrigation work 1	Rate per acre. 2
(1) Irrigation work capable of irrigating not more than one hundred acres of land.	Twelve rupees.
(2) Irrigation work capable of irrigating more than one hundred acres of land.	Twenty rupees.

(2) For sub-rule (2) and the Table therein, the following sub-rule and Table shall be substituted, namely:—

"(2) When water is supplied, made available or used from the irrigation works specified in column (1) of the Table below, for the irrigation of any land in which paddy crop, or any crop of Jawar, Maize, Ragi, Navane, Sajje, Pulses, Greengram, Wheat, Cotton, Groundnut, Vegetables, Chillies, Potatoes, Sweet Potatoes, Ginjelly, Onions, Tobacco or Corriander is grown twice in any revenue year, water rates at the rates specified in the corresponding entries in columns (2) and (3) respectively of the said Table shall be levied for the second crop.

TABLE.

Irrigation work.	*Rate per acre of second crop of Paddy.* Jawar, Maize, Ragi, Navane, Sajje, Pulses, Greengram, Wheat, Cotton, Groundnuts, Vegetables, Chillies, Potatoes, Sweet-Potatoes, Gingelly, Onions, Tobacco or Coriander.
(1)	(2)	(3)
(1) Irrigation Work capable of irrigating not more than one hundred acres of land.	Five rupee and fifty paise.	Two rupees and seventy-five paise.
(2) Irrigation work capable of irrigating more than one hundred acres of land.	Eight Rupees.	Four rupees

3. Omission of Rule 4.—Rule 4 of the Mysore Irrigation (Levy of Water Rates) (Amendment) Rules, 1966, shall be, and shall be deemed always to have been, omitted.

[No. PWD 10 LBW 67.]

By Order and in the name of the Governor of Mysore,

M. CHANNAPPA, *Deputy Secy.*

106

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.
30-6-67

C. F. No. 46] GOVERNMENT OF MYSORE

OFFICE OF THE

Tele gram phone

Divisional Commissioner & Administrator TBP Gulbarga.

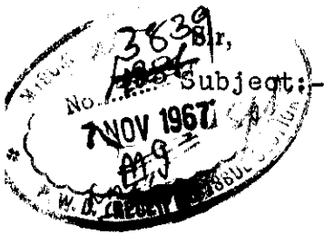
No. TBP DEV 135 66-67

Encls.

Date 4th November 1967.

To

The Secretary to the Govt. of Mysore,
Public Works Department, BANGALORE.



Sir,

Subject:- Mysore Irrigation Act 1965-Penalty for un-authorised irrigation, Misuse of water and wastage of water.

Please refer to this Office letter No:TBP DEV 135 66-67 dated 26.4.1967 and subsequent reminders dated 29.5.1967, 14-7-1967 and 21.9.1967 on the subject cited above. I request you kindly to obtain and communicate the orders regarding the procedure for levy of penalties and the formulation of uniform rules for regulation of irrigation water under Major and Medium Projects.

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

VG/-*

321

A NOTE ON PROVISIONS OF PENALTY IN THE MYSORE IRRIGATION ACT 1965 FOR UNAUTHORISED IRRIGATION

Immediate.
To discuss with J.S. and Secy P.W&E
V. Prabhu 15/9.

The unauthorised irrigation under the localisation pattern is of two kinds:

(i) Irrigation of any crop outside the localised area;

(ii) Violation of the crop-pattern under localisation by cultivating crops of higher water requirement.

The Mysore Irrigation Act Section 28 (5) deals with the unauthorised Irrigation of the first kind. The sub-section (5) of Section 28 lays down that " any person using water from an irrigation work without obtaining permission required under this section shall in addition to any penalty incurs under this Act for such unauthorised use of water be liable to pay water-rate at such rate as may be determined by the Prescribed Officer .....etc."

S.P.
A
20/9
Spl Secy P.P
Urgently
20/9
Sr. I.C.

MYSORE
No. 3385
SEP 1967
(RECEIPT)

The powers of the Irrigation Officer under Section 28 are delegated to the Superintending Engineer of the Project in case of Major Projects and to the Executive Engineer of the Project in case of Irrigation Projects other than Major Projects. But, neither the rules under the Mysore Irrigation Act nor the Government Notification delegating powers under the Mysore Irrigation Act prescribe the Officer competent to levy penalty.

It is suggested that the Executive Engineer of the Division may be delegated with the powers of

Contd....P (2)

7
33

levying penalty for unauthorised irrigation in the light of the powers delegated to the Executive Engineer under Section 64.

The unauthorised irrigation of the second type, namely, violation of the crop-pattern is dealt with under Section 32 (4) of the Mysore Irrigation Act read with Section 64 (1) of the Act. Section 32 (4) declares that any violation of the crop-pattern is punishable under the provisions of the Act, and Section 64 (1) lays down the action to be taken by the Irrigation Officer in case of use of water in any unauthorised manner. Section 64 (1) further lays down that the Irrigation Officer can " make an order for recovery of such charges as may be prescribed .....etc."

In this case, the charges for making use of water in an unauthorised manner, have to be prescribed when the procedure of enquiry has to be prescribed.

Powers under Section 64 (1) are delegated to the Executive Engineer in-charge of the Irrigation Project.

The above note suggests certain actions to be taken in delegation of powers under the provision of the existing Act. The committee appointed by the Government for framing the rules for Irrigation Management is examining the Act also in the light of minimum requirements of proper water management.

SUBMITTED TO THE HON'BLE MINISTER FOR PUBLIC WORKS,
AS PER INSTRUCTIONS.

16.3.67.
(N.G.Joshi)
Superintending Engineer,
T.C.C. Circle, Yermarus.

BLC3

No. PWD 6 LBW 66 / Suppl.

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 22-9-1967.

Un-Official Note.

Subt- A Note on the Provisions of Penalty in the Mysore Irrigation Act 1965 for unauthorised Irrigation.

This Department file bearing No. PWD 6 LBW 66 on the above subject has been referred to Law Department on 23-8-67 for their opinion and return. The file has not been received back from Law Department so far. Since the Minister P.W.& E desires to discuss the subject , the Law Department is requested to expedite the matter and return the file with their remarks very early.

O/C

Section Officer,
P.W.D.(Special Irrigation.)

Section Officer
Law Department.

22/9/67

Issued
23.9.67

35 4

L.S[illegible]ANKARA RAO,
Divisional Commissioner,
Gulbarga Division.

GULBARGA, (R.S.),
Dated 4th Oct. *1967*

SECRETARY TO GOVERN' No Da 730 Date - 6 OCT 1967 PUBLIC WORKS & ELEC. DEPT.

D. O. No. REV.25US IRR. 67-68.

Dear Sri Chandappa Patil,

Subject: Interpretation of provisions of the Mysore Irrigation Act, 1965.

...

At the last two meetings of the State Working Group the necessity for notifying the Prescribed Officer under Section 28(5) of the Mysore Irrigation Act, 1965, was pressed. You stated that necessary clarification would be given after consulting the Law Department. I see from the Proceedings of the Conference of the Divisional Commissioners held on 10th August 1967, in respect of the subjects No. 3, 39 and 40 that it is stated that the necessary Notification has been already issued in Notification No. SO. 3722 dated 31st December 1965. I had occasion to look into the Notification after my return to Gulbarga. I have to bring to your notice that what is notified in the Notification dated 31st December 1965 is in regard to the Irrigation Officer in respect of various Section of the Irrigation Act including Section 28. The Superintending Engineer incharge of Irrigation is notified as Irrigation Officer. ~~I have to bring to your notice that~~ Under Section 28(5) of the Mysore Irrigation Act, 1965, the Irrigation Officer has no duties to perform and it is only the 'Prescribed Officer' who is authorised to levy penalty. I, therefore, feel that inspite of Notification dated 31st December 1965, there is still need to notify the 'Prescribed Officer'. As this is a very important matter and the legality of penalties levied on the ryots is likely to be called in question, I request you to have the matter examined further and see whether the 'Prescribed Officer' should not be notified. While doing so, I would also invite your attention to the definition of 'prescribed' under Section 2(n) of the Mysore Irrigation Act. 'Prescribed' according to this means prescribed by rules and under this Act. Therefore, it is a matter for consideration whether Officer should be prescribed by means of a Rule under the Irrigation Act or whether a Notification would suffice. I understand that a Note on the same subject has been given by the Superintending Engineer, Tungabhadra Canal Construction Circle, Yermarus, to the Minister for Public Works during his visit to Munirabad recently. Early orders are required on the subject.

The Deputy Commissioners of Bellary and Gulbarga, have raised certain doubts in regard to the implementation of the Act. I give below the points raised by them with my comments

MYSORE GOVT. SECRETARIAT No. 357 9 OCT 1967

thereon.

The Deputy Commissioner, Bellary, has requested that it may be confirmed that Rule 4 of the principal Rules continues to remain in force and that what is deleted by amendment is only the first amendment. This we may confirm as was explained by you at the recent Divisional Commissioners' meeting.

The Deputy Commissioner, Bellary, has asked for clarification whether term ' grown twice' in the same revenue year' appearing sub-rule(2) of amendment Rules 1967 would mean identical crops grown under Irrigation or whether the concession would apply to different crops. I am of the opinion that the concession should be applied even if different crops are grown that is, it is not necessary for a ryot to grow two crops of paddy or two crops of irrigated jowar in order to enable him to get concessional rate for the second crop. The concessional rate should be given even if he grows one crop of paddy and crop of jowar. This may kindly be confirmed.

He has also sought explanation whether in applying concessional rates for two crops grown in the ayacut whether both should be irrigated crops. I think, it is necessa-ry to clarify that both should be irrigated crops, otherwise if a ryot takes even indifferent rainfed crop during kharif and if he takes an irrigated crop during summer as is the practice in Bellary, he would claim the concession rates for the first irrigated crop that he takes in summer. Similarly, on the left side also the concessional water rate can be applied for the second crop only when both the crops are irrigated. This clarification may be confirmed.

In regard to the penalty for non-use of water you clarified that it is not necessary to have a separate provision for a penalty. It was the consensus of opinion at the State Working Group meeting that the penalty should be charged at the lowest rate and not at the highest rate as was proposed by this Division. In view of the recent amendment giving a common water rate for all the dry crops this question arises only in the case of lands localised for perennial crops. It is unlikely that cases where water is not used by perennial lands will be many. However, in case there are such cases, the lowest rate would be cases where only one paddy crop and one irrigated dry crop are grown, that is, the penalty for not utilising water in perennial lands should not be Rs. 32/-, but Rs. 24/-. This suggestion of the Deputy Commissioner, Bellary, maybe agreed to as this is inconformity with thedecision taken in the State Working Group meeting. With the introduction of many Short-term hybrid crops, it is possible in some areas in years of good storage in the Reservior to take three crops in a year, and therefore, it is necessary toprescribe the water rates for the third crop. I would suggest that the water rate for the third crop should be the same as for the second crop. Orders may kindly be issued on this proposal.

The Deputy Commissioner, Gulbarga, has raised a point whether in cases where ayacut is assessed to wet assessment

whether any change is due in view of the revised water rates. In all cases where the lands were due for resettlement these lands have been assessed to dry and water rate has been charged separately. In cases where the revision settlement is not yet due either the wet assessment has to continue til the period of the current settlement is over or land has to be assessed at the maximum dry rates prevalent in the area, plus water rate at the revised rates. I feel that in such cases the existing wet assessment has to continue til the period of the current settlement is over. This matter may also kindly be clarified immediately.

With regards,

Yours sincerely,

Shri Chandappa Patil,
Secretary to Government,
Public Works Department,
'Vidhana Soudha,
Bangalore-1.

Draft.

No.PWD 7 LBW 65 (Part-II)

To

The Divisional Commissioner,
Gulbarga Dvn.,Gulbarga.

Sir,

Sub:- The Mysore Irrigation (Levy of Water Rate) Rules - Penalty for unauthorised use of water - clarification regarding -

I am directed to refer to your D.O.letter No.REV/475/Irr/66-67 dated 6th July 1967 addressed to the Secretary to the Govt.,P.W.D. raising certain points for clarifications and to state as follows:-

(1) Notifying the prescribed Officers as required under Section 28(5) of the Mysore Irrigation Act, 1965 to enable the Officers to levy the penal water rate.

~~As regards~~ the issue of Notification notifying the prescribed officer as required under Section 28(5) of the Mysore Irrigation Act, 1965, this point is being examined separately and ~~that~~ necessary ~~orders~~ notification specifying the prescribed Officers will be issued shortly.

(2) Prescribing a procedure for the determination of Water Rate in the relevant rules in lieu of Rule 4.

What is proposed to be omitted in draft Mysore Irrigation (Levy of Water Rates)(Amendment) Rules, 1967, is Rule 4 of the Mysore Irrigation (Levy of Water Rate) (Amendment) Rules, 1966, and not Rule 4 of the principal Rules of 1965.

(3) To use discretion in the matter of levying penal rate for unauthorised use of water in cases of first offences.

The levy of penal rate as provided in the Act is reasonable, ~~as the provision is made~~ since it is desired to add as a deterrant punishment to the Offender, ~~and with this view it is kept high~~. Hence this proposal is not acceptable to Govt.

(4) To frame a rule enabling the growing of green manure crops irrespective of localisation.

Even though Water Rate is specifically prescribed

for manurial crops in the water rate rules, growing of manurial crops is always accompanied by a principal crop, such as, Paddy, Sugarcane, etc. Water Rates have to be levied whenever green manure crops are grown according to the Water Rate Rules. Therefore. Govt. consider that it is not necessary to frame a separate rule for enabling the growing of green manure crops in localised areas. ~~Hence~~ water rate for green manure grown may have to be levied according to the water rate rules.

Yours faithfully,

D.S., P.W.D. (Irrigation).

Copy of the above is forwarded to:-

1. The Divisional Commissioner, Bangalore Division.
2. -do- Mysore Dvn.
3. -do- Belgaum Dvn.
4. The Chief Engineer (General), Bangalore.
5. The Chief Engineer, Irrigation of Projects, Bangalore.
6. The C.S. Secy. (W) Bangalore.

for information.

Issued on 29/11/67

D.S.,P.W.D. (Irrigation).

Government of Mysore

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated, 29th November 1967.

No.PWD 7 LBW 65 (Part-II)

From

The Secretary to the Govt. of Mysore,
Public Works & Electy. Dept.

To

The Divisional Commissioner,
Gulbarga Division, Gulbarga.

Sir,

Sub:- The Mysore Irrigation(Levy of Water Rate) Rules - Penalty for unauthorised use of water - clarification regarding -

---

I am directed to refer to your D.O.letter No.REV/475/Irr/66-67 dated 6th July 1967 addressed to the Secretary to the Government, Public Works Department raising certain points for clarifications and to state as follows:-

(1) Notifying the prescribed Officers as required under Section 28(5) of the Mysore Irrigation Act, 1965 to enable the Officers to levy the penal water rate.

This point is being examined separately and necessary notification specifying 'the prescribed Officer' will be issued shortly.

(2) Prescribing a procedure for the determination of Water Rate in the relevant rules in lieu of Rule 4.

What is proposed to be omitted in draft Mysore Irrigation (Levy of Water Rates)(Amendment) Rules, 1967, is Rule 4 of the Mysore Irrigation (Levy of Water Rate) (Amendment) Rules, 1966, and not Rule 4 of the principal Rules of 1965.

(3) To use discretion in the matter of levying penal rate for unauthorised use of water in cases of first offences.

The levy of penal rate as provided in the Act is reasonable, since it is desired to make act as a deterrant punishment to the Offender; hence this proposal is not acceptable to Government.

(4) To frame a rule enabling the growing of green manure crops irrespective of localisation.

Even though Water Rate is specifically prescribed for manurial crops in the water rate rules, growing of manurial crops is always accompanied by a principal crop, such,as, Paddy, Sugarcane, etc., Water Rates have to be levied whenever green manure crops are grown according to the Water Rate Rules. Therefore, Government consider that it is not necessary to frame a separate rule for enabling the growing of green manure crops in localised areas. Water rate for green manure grown may have to be levied according to the water rate rules.

Yours faithfully,

Sd. (M.Channappa)
Deputy Secretary to Government,
P.W.D. (Irrigation).

Copy of the above is forwarded to:-
1. The Divisional Commissioner, Bangalore Division.
2. -do- Mysore Division.
3. -do- Belgaum Division.
4. The Chief Engineer (General), Bangalore.
5. The Chief Engineer, Irrigation Projects (South), Bangalore.
6. The Chief Engineer, Irrigation Projects (North), Dharwar.

for information.

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cn/ (Copy)

Notification

In exercise of the powers conferred by Section 71 of Mysore Irrigation Act, 1965 (Mysore Act 16 of 1965) the Government of Mysore hereby makes the following amendments to Mysore Irrigation Rules, 1965, issued under Notification No PWD 63 LBW 64 dated 31-12-1965 namely,

These Rules may be called "The MYSORE IRRIGATION RULES ~~1965~~ -(AMENDMENT)'67."

1. PRESCRIBED OFFICER UNDER RULE 28(5)

After Rule 17 of Mysore Irrigation Rules 1965 the following paragraph ~~will~~ must be added at the end

"Prescribed Officer" ~~means:~~ under Sub Section 5 of Section 28 shall be the

(a) Superintending Engineer incharge of ~~the work in respect of the~~ Major Irrigation works,

(b) Executive Engineer incharge of ~~work in respect thereof an~~ Irrigation works other than a Major Irrigation work,

~~For purposes of clause 7 (5) of Section 28~~

2. Charges to be prescribed under Section 64(1)"

~~Thexirrigationxofficerx~~

After Rule 23 of the said Rules, the following para shall be added and re-numbered as 23-A

"The Irrigation Officer in addition to the usual water rates shall charge and in order for the recovery at the ~~x~~ rates not being less than ... 10 ... times the water rate and not exeeding ... 30 ... times the rate for purposes of clause 1 of Section 64

BY ORDER IN THE NAME ETC...

D.S.(1)

(39

Draft

D.O. No. PWD 7 LBW 67/Pt II

Sub:- Mysore Irrigation Act, 1965 - clarification on certain provisions of the Act - prescribing the scale of charges to be levied under Section 64(1) of the Act

Dear Sir,

I am desired to state that Section 64 (1) of the Mysore Irrigation Act, 1965 contemplates that if water supplied through a feild channel is used in other unauthorised manner, the Irrigation Officer shall make an order for the recovery of such charges as may be prescribed for such use from the Land Holders and Occupiers in such proportion as he finds just. The Section is silent about the charges to be levied. It is therefore necessary to prescribe the scales of charges to be levied under this section.

I shall be much grateful if you kindly furnish your remarks, on urgent basis, reg: the scale of charges to be prescribed under section 64(i) of the Act for taking further needful action in the matter.

Yours sincerely,

5/12/67

D.S.I.

Issued 7/12/67

To

All the Divisional Commissioners
(By Name.)

Sri R.N. Vasudeva. I.A.S.
Sri. M.S. Sanjeevaiah I.A.S.
Sri S.S. Seenivasan IAS
Sri M.S. Shankara Rao IAS.

Mysore Government Secretariat,
Vidhana Soudha,

D.O.No.PWD 7 LBW 67 /pt. II. Bangalore, Dated, 196

Dear Sir,

Sub:- As at page 39 of c.f.

I am desired to invite your kind attention to ~~this Office~~ my D.O. letter No. PWD. 7 LBW 67/pt. II dated 7-12-67 ~~and the subsequent D.O.reminders dated~~ on the above subject

and to request that reply thereto may kindly be expedited, as the matter is ~~long pending~~. urgent.

Yours sincerely,

1. Shri. R.N. Vasudeva I.A.S. Divnl. Comm. B'lore Dn.
2. " M.S. Subramaniam I.A.S. " " ~~Mysore Dn~~ Tumkur
3. " G.S. Sreenivasan I.A.S. " " Belgaum Dn.
4. " M.S. Shankar Rao I.A.S. " " Gulburga Dn.

cn/

N. S. Swaminathan,
Divisional Commissioner,
Mysore Division, Mysore.

Mysore, 41

Dated 16-12-1967.

D. O. Letter No. IER 125 C-8654/67-68.

Dear Sri Channappa,

Sub: Mysore Irrigation Act 1965 - clarification on certain provisions of the Act - prescribing the scale of charges to be levied under Section 64(1) of the Act.

=++=

Please refer to your demi-official letter No. PWI 7 LBW 67/ Pt.II dated 7th December, 1967, on the subject cited.

Section 64(1) of the Mysore Irrigation Act, 1965, deals with the fixing up of liability on certain persons when the exact person by whose act or neglect the unauthorised use of water supplied through a feeder channel has been effected cannot be found. It is provided under Section 64(1) that after such enquiry as the Irrigation Officer may deem sufficient, he after giving not less than one month's notice to the holders and occupiers of all lands benefited thereby and after hearing their representations, make an order for the recovery of such charges as may be prescribed for the use of water (in the unauthorised manner) from such landholders and occupiers in such proportion as he may find just. Section 28(5) lays down - the penalty which is leviable on any person using water from an irrigation work without obtaining the permission required under Section 28. It is laid down there that in addition to any penalty under the Act for the unauthorised use of water by any person, he shall be liable to pay water rate at such rate not being less than 10 times and not exceeding 30 times the rate would otherwise be required to pay had he applied for and obtained permission. The exact penal water rate that may be levied is thus left to the discretion of the prescribed authority- the range being not less than 10 times and not exceeding 30 times the rate that would have been normally payable.

In regard to the penalty rate leviable under Section 64(1), the Section contemplates that the charges should be prescribed. It is suggested that the charge may be 10 times the water rate that would have been normally payable. The Irrigation Officer will have the discretion after due enquiry to determine the holders and occupiers who shall be liable for the penalty. This rate of 10 times is - suggested on the analogy of the provision in Section 28. The penal water rate in this case may even be fixed a little lower - at (say) 5 times the normal rate, if Government so deem fit.

Yours sincerely,

N. Swaminathan

Sri M. Channappa,
Deputy Secretary to Government,
P. W. Department (Irrigation),
"Vidhana Soudha,"
BANGALORE.

No:D.Dis.IRR.II.62.c.6354/67-68.

OFFICE OF THE DIVISIONAL COMMISSIONER,
Bangalore Division,
Bangalore-1, dated the 4th January, '68.

To

The Deputy Secretary to Government,
Public Works Department (Irrigation),
Vidhana Soudha, Bangalore-1.

Sir,

Sub:-The Mysore Irrigation Act, 1965--prescribing the scale of charges to be levied under section 64(1) of the Act.

Ref:-Your letter No.DO.PWD.7.LBW.67, dated 7.12.67 addressed to the Divisional Commissioner.

-o-

With reference to the above, I write to state as follows:-

There was no provision in the Mysore Irrigation Act, 1932 (which stands ~~x~~ repealed by the Mysore Irrigation Act, 1965) for levy of penal water rate in case of unauthorised use of Government water. The penal water rate was being levied by the Revenue Officers in accordance with Rule 34 of the Mysore Land Revenue Rules wherein it had been laid down that a person using Government water unauthorisedly shall be charged double the rate he would otherwise have been required to pay had he applied for and obtained permission ie., four times the difference between the dry and wet assessment, in addition to a fine at five times the wet assessment of the whole S.No. wholly or partly irrigated at the discretion of the Deputy Commissioner. This rule stands repealed now in view of the provision being made in the Mysore Irrigation Act, 1965.

As per Section 28(5) of the Mysore Irrigation Act, 1965, the penalty leviable for unauthorised use of Government water (where the person using the water is ascertained by the Irrigation Officer) is not less than 10 times and not more than 30 times the water-rate. But, in cases where the person by whose act or neglect such unauthorised use has occurred cannot be found after enquiry the penalty to be levied for such use has not been specified in section 64(1) of the Act.

The penalty leviable from the person responsible for the unauthorised use of Govt. water under section ~~xxxx~~ 28(5) should be more deterrant than the rate to be levied under Section 64(1) of the Act, because in the latter case, the person by whose act or neglect such unauthorised use is not ascertainable or found after enquiry and the liability to pay the water rate is shifted to the holders and occupiers of lands benefitted by such unauthorised act. Though the unauthorised use of Govt. water is there in both the cases, the gravity of the offence is less serious when compared to the offence under section 28(5) in as much as the persons benefitted by the use of water under Sec.64(1) of the Act are not directly responsible for the unauthorised act. In such cases a lenient rate is called for. Hence, a water rate of not less than five times and not more than ten times the rate the holders and occupiers would otherwise have been required to pay had they applied for and obtained the permission, may be proposed. If there is more than one holder or occupier benefitted by such unauthorised use of water, the water rate payable by each holder should be in the same proportion as the extent held by each such person bears to the total extent of land benefitted by the use of water.

Yours faithfully,

for Divisional Commissioner,
Bangalore Division.

Lraju/6.

Draft appd. by the Divl. Commissioner

M. G. S.

Subject: Mysore Irrigation Act 1965. Penalty for unauthorised irrigation

File PWD 7 LBW 65/ Pt. II

Suppl.

WD 01050—GPB—1,00,000 13-12-65

Receipt No. 3419 from Divisional Commr. Gulburga.

Letter No. TBP. DEV. 135. 66.67 dt. 21-9-67 from the Divisional Commr. Gulburga is placed below for perusal. He has reminded Govt for early communication of orders regarding the procedure for levy of penalties and to formulate uniform rules on the subject for regulation of irrigation water under Major and Medium Projects.

The main file on the subject i.e. PWD 7 LBW 65 Pt. II has been referred to L.D. on 4-9-67 and the same is awaited. If approved this receipt will be put up on return of the main file.

29/9/67.

D. awaiting return of the file from L.D. Communication is enclosed separately.

30/9

O. F. No. 45] GOVERNMENT OF MYSORE

Office of THE
Divisional Commissioner &
Administrator TBP Gulbarga.

Tele gram / phone —

No. TBP DEV 135 66-67

Encls.

Date 21st Septr. 1967.

To

The Secretary to the Govt. of Mysore,
Public Works Department, BANGALORE.

Sir,

Subject:- Mysore Irrigation Act 1965 - Penalty for unauthorised irrigation, Mis-use of water and wastage of water.

Kindly refer to this Office letter No:TBP DEV 135 66-67 dated 26.4.1967 and subsequent reminders dated 29.5.1967 and 14.7.1967 regarding the procedure for levy of penalties and ~~the~~ formulate uniform rules on the subject for regulation of irrigation water under Major and Medium Projects.

I request you to obtain and communicate orders of Government early in the matter.

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

VG/-*

GOVERNMENT OF MYSORE

V.B. Badami.,
Gazetted Asst. to the
Divisional Commissioner and
Administrator, T.B.P.,
Gulbarga.

GULBARGA,
Dated 6th January *19* 68.

D. O. No. TBP/ DEV 135 66-67

Dear Sri Mohan,

Subject:- Mysore Irrigation Act 1965 - Penalty for unauthorised irrigation, Mis-use of water and wastage of water.

***

Please refer to this Office letter No:TBP DEV 135 66-67 dated 26-4-1967 and subsequent marginally noted reminders thereto on the above subject. No reply has been received from you so far in the matter.

1.	Letter No:TBP DEV 135 66-67 dated:29 -5-1967.	
2.	-do-	dated:14- 7-1967. P.20 C.F.
3.	-do-	dated:21- 9-1967. P.43 C.F.
4.	-do-	dated: 4-11-1967. P.31 C.F.

I request you kindly to look into the matter personally and obtain and communicate orders of Government in the matter at an early date.

79 9.1.68

Yours sincerely,

V.B. Badami

Shri S.K. Mohan,
Under Secretary to Government,
Public Works Department,
Vidhana Soudha,
BANGALORE.

Draft.

To
The Divisional Commissioner,
Gulberga Divn. Gulberga.

Sir,

Sub:- Mysore Irrigation Act 1965 - penalty for unauthorised Irrigation Misuse of water and wastage of water.

Ref:- D.O.No.TBP/DEV.135.66-67 dated 6-1-68 from the Gazetted Assistant to the Divisional Commissioner Gulberga.

...

I am directed to state that ~~among other points~~ the question of amendment to Section 64(1) and other rules of the Mysore Irrigation Act, 1965 has been considered in the meeting held on 3-1-1968 in the Chambers of the Secretary to Government Public Works & Electricity Department when the Divisional Commissioners of Mysore, Gulberga the Deputy Commissioners of ~~Mysore~~ Bellary and Raichur and the Chief Engineer (General) were present. As ~~desired~~ decided in the said Meeting necessary amendments have been ~~incorporated~~ incorporated and the Department of Law and Parlimentary Affairs is being consulted in the ~~matterx~~. ~~Remarks of that Department is are still awaited~~. Necessary Notification will be issued on ~~receipt~~ finalisation of the same.

Yours faithfully,

U.S.P.W.D.(Tech)

13/1/68

GOVERNMENT OF MYSORE

No PWD 7 LBW 65 MYSORE GOVERNMENT SECRETARIAT,
VIDHANA SOUDHA,

Dated, Bangalore, 18-1- *196* 8.

FROM

Secretary to the Government of Mysore,
Public Works Department, Bangalore.

To.

The Divisional Commissioner,
Gulberga Division, GULBERGA.

Sir,

Sub: Mysore Irrigation Act 1965 -Penalty for unauthorised Irrigation Misuse of Water and Wastage of water.

Ref: D.O.No.TBP/DEV.135.66-67 dated 6-1-68 from the Gazetted Assistant to the Divisional Commissioner, Gulberga.

I am directed to state that the question of amendment to Section 64 (1) and other rules of the Mysore Irrigation Act 1965 has been considered in the meeting held on 3-1-1968 in the Chambers of the Secretary to Govt. Public Works & Elecy. Deptt. when the Divisional Commissioners of Mysore, Gulberga the Deputy Commissioners of Bellary and Raichur and the Chief Engineer (General) were present. As decided in the said Meeting, necessary amendments have been proposed and the Department of Law and Parliamentary Affairs is being consulted in the matter. Necessary Notification will be issued on finalisation of the same.

ISSUED
Dated 18.168 dy

Yours faithfully,

(S.K. Mohan),
Under Secretary to Government,
Public Works Department(Tech).

Office of the Superintending Engineer,
Mysore Circle, P.B.No.25,
Mysore, dated: January,27,1968.

No.187/VCA/MMO/67-68 9682-84

To

The Chief Engineer (G1),
Bangalore.

Sir,

Sub: Mysore Irrigation (Levy of water rate) Rules - Penalty for unauthorised use of water - calrification regarding.

Ref: Letter No.PWD 7 LBW 65 (Part-II dated 29.11.67. Flag 'D'

In the reference cited above, it has been mentioned that the notification regarding the Prescribed Officers as required under Section 28 (5) of Mysore Irrigation Act, 1965 to levy penal water rate is being examined separately and necessary notification specifying the Prescribed Officer will be issued shortly.

2. The following principles are suggested for consideration before a decision in the matter is taken.

(a) The officer appointed for determination of water rate as per Rule 4 of the Mysore Irrigation (Levy of Water Rates) Rules,1965, under Section 11 of Mysore Irrigation (Levy of Betterment Contribution and Water Rate) Act, 1957, shall be the same as the Prescribed Officer under Section 28 (5) of the Mysore Irrigation Act, 1965.

(b) Appeal on the orders of the water rate levy Officer or the Prescribed Officer for levy of penal water rate shall lie with the next superior officer of the same department.

... SECTION
R.M.S. No. 3773
Date 29 JAN 1968
Section Spl Section

PWD (Cpl. Irrgn).
No 280 Date 30.1.68

3. According to Rule 4 of Mysore Irrigation (Levy of Water Rate) Rules, 1965, the water rate has to be determined by the Tahsildar. As long as this rule stands, the levy of penal water rate shall also be with the Tahsildar himself. At present the Revenue Department is preparing the statements of the crop grown and water rate to be levied in each case. They are assisted in their work by an organisation at Village, Hobli, Taluk and District levels. They are also keeping the records of assessing the crops, the area and the village, name of the person etc. The Public Works Department at present does not have these records and the organisation for it.

4/29/1

4. The Committee constituted for framing of rules for water management vide G.O. No.PWD 41 LBW 66 dated 7th July'67 has recommended unitary control in the water management. This would mean that the responsibility of assessment of crop pattern, preparation of the statement for the demand of water rate will become the responsibility

P.T.O.

of the department in charge of irrigation. Till this is considered by the Government, the existing Acts and Rules will apply and therefore the levy of water rate including penal water rate will have to be done by the officers of the Revenue Department.

5. The Divisional Commissioner in his letter No.IRR 31 C 3152/67-68 dated 22nd July'67 addressed to the Secretary to Government, Public Works Department, has also suggested to authorise the Tahsildar as the Prescribed Officer under Section 28 (5) of the Mysore Irrigation Act. I may also mention in this connection that different officers of separate departments for levy of water rate and for levy of penal water rate will create complications as both of them may act independent of each other. At present, the Public Works Department does not have the necessary organisation to take up this responsibility.

Yours faithfully,

(H.G.ABDUL HAMEED)
Superintending Engineer,
Mysore Circle.

PN/d

Copy submitted to the Secretary to Government, Public Works Department, Bangalore for information.

H G Abdul Hameed
Superintending Engineer,
Mysore Circle.

C. F. No. 45] **GOVERNMENT OF MYSORE**

Tele gram / phone

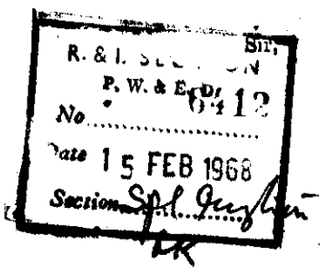
OFFICE OF
THE DIVISIONAL COMMISSIONER.,
BELGAUM DIVISION BELGAUM.

No. GB/IRR.SR.348.
Encls.

Date 5/2/1968.

To

The Secretary to Government,
Public Works Department Bangalore.



Sir,

Subject:- Mysore Irrigation Act 1965 Clarification on certain provisions of the Act ..... prescribing the scale of charges to be levied under section 64(1) of the Act.

Reference Govt. letter No. PWD 7 LBW 67/Pt. II dated 7-12-1967 on the above subject. P. 39 C.F.

I have examined the question regarding the scale of charges to be prescribed under section 64(1) of the Act. The unauthorised use of water mentioned in section 64(1) of the Mysore Irrigation Act 1965 is almost the same in effect as the one mentioned in section 28(5) of the Act. The same charges as are levied under Section 28(5) may be therefore, prescribed under Section 64(1) also. If any rates less than those under Section 28(5) are prescribed, villagers would naturally be inclined to take undue advantage of such rates.

PWD (Spl. Irrgn). No 481 Dt 16.2.68

Yours faithfully,

O.C.signed by
Divl.Commr.

(R.B.Patil.)
for Divisional Commissioner, Belgaum.

Government of Mysore

NO.PWD 6 LBW 66(Part II) :

Mysore Government Secretariat,
"Vidhana Soudha"
Bangalore, dated 19th February, 68

N_o_t_i_f_i_c_a_t_i_o_n

The draft of the following rules to amend the Mysore Irrigation Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by section 71 of the Mysore Irrigation Act, 1965 (Mysore Act 16 of 1965) is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 22nd March, 1968.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Works Department, Vidhana Soudha, Bangalore.-1.

1. Title and commencement.- (1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1968.

(2) They shall come into force at once.

2. Insertion of new rule 17A.- After rule 17 of the Mysore Irrigation Rules 1965, the following rule shall be inserted, namely.-

"17A. Prescribed Officer for the purposes of Sub-Section (5) of Section 28 shall be the Executive Engineers concerned.".

By Order and in the name of the
Governor of Mysore,

M Channappa 19/2/68

(M. CHANNAPPA)
DEPUTY SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT(ITW)

To.-1) The Compiler, Mysore Gazette for publication in the next issue of the Gazette,
2) All the Divisional Commissioners,
3) All the Chief Engineers (Irrigation Zones),
4) All the Superintending Engineers, Irrigation Circles,
5) All the Executive Engineers, Irrigation Divisions,
6) All the Deputy Commissioners,

Copy to.-1) Revenue Department,
2) Finance Department,
3) Weekly Gazette.

Chand;

Government of Mysore

No.PWD 6 LBW 66(Part II)

Mysore Government Secretariat,
"Vidhana Soudha"
Bangalore, 19th February, 1968.

N_o_t_i_f_i_c_a_t_i_o_n

The draft of the following rules further to amend the Mysore Irrigation (Levy of Water Rates) Rules, 1965, which the Government of Mysore proposes to make in exercise of the powers conferred by section 11 of the Mysore Irrigation (levy of Betterment Contribution and Water Rate) Act, 1957 (Mysore Act 28 of 1957), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 22nd March, 1968.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections and suggestions may be addressed to the Secretary to the Government of Mysore, Public Works Department, Vidhana Soudha, Bangalore-1.

1. Title and commencement.- (1) These rules may be called the Mysore Irrigation (Levy of Water Rates)(Amendment) Rules, 1968.

(2) They shall be deemed to have come into force on the first day of July, 1965.

2. Insertion of new rule 3A.- After rule 3 of the Mysore Irrigation (Levy of Water Rates) Rules, 1965, the following rule shall be inserted, namely:-

'3A. A levy of Water rate where no crop is grown.-

Notwithstanding anything contained in rule 3 where water is supplied, made available or used for growing any crop or for the irrigation of any land but no crop is actually grown, water rate shall be levied at the rates prescribed in the said rule as if the crop was grown'.

By Order and in the name of the
Governor of Mysore,

M Channappa 19/2/68

(M.CHANNAPPA)
DEPUTY SECRETARY TO GOVERNMENT
PUBLIC WORKS DEPARTMENT(IRRN.).

To.-1) The Compiler, Mysore Gazette for publication in the next issue of the Gazette,
2) All the Divisional Commissioners,
3) All the Chief Engineers (Irrigation Zones)
4) All the Superintending Engineers, Irrigation Circle,
5) All the Executive Engineers, Irrigation Divisions,
6) All the Deputy Commissioners,

Copy to.-1) Revenue Department,
2) Finance Department,
3) Weekly Gazette.

Chand;

PROCEEDINGS OF THE GOVERNMENT OF MYSORE

(Public Works Department)

Sub: Constitution of Consultative Committee for the Tungabhadra Project and the Vijayanagar Channels - Orders regarding the -

Ref: Correspondence ending with D.O.Letter No.TE., DEV/2640/66-67 dated the 1st July 1967 from the Divisional Commissioner & Ex-Officio Administrator, Tungabhadra Project, Gulbarga.

Preamble:-

Section 27 of the Mysore Irrigation Act 1965 and Rule 16 of the Mysore Irrigation Rules 1965, provide for the constitution of Consultative Committees with official and non-official members to regulate water in respect of any irrigation work for each year or a specified term of years at a time. Rule 16 of the Mysore Irrigation Rules 1965 stipulates that the Consultative Committee in respect of a Major Irrigation Work shall consist of seven official members and eight non-official members and the Chairman of the Committee shall be a member nominated by the State Government. Consultative Committees may be different in respect of each Major Irrigation work and one Consultative Committee for each Taluk in respect of Medium and Minor Irrigation works of that Taluk. In this connection the Divisional Commissioner & Ex-Officio Administrator, Tungabhadra Project, Gulbarga has forwarded proposals for the constitution of a consultative Committee for the entire Tungabhadra Project and the Vijayanagar Channels lying in the Mysore State.

ORDER NO.P/D 103 MIP 66, BANGALORE, DATED JULY, 1967.

Government are pleased to accord approval to the constitution of the CONSULTATIVE COMMITTEE FOR THE ENTIRE TUNGABHADRA PROJECT AND THE VIJAYANAGAR CHANNELS lying in the Mysore State with the official and non-official members as indicated below:-

OFFICIAL-MEMBERS:-

1.	Divisional Commissioner, Gulbarga-Division, Gulbarga. ...	Chairman
2.	Deputy Commissioner, Raichur District. ...	Member
3.	Deputy Commissioner, Bellary District. ...	Member
4.	Superintending Engineer, T.P.C.Munirabad ...	Member
5.	Joint Director of Agriculture, Raichur. ...	Member
6.	Joint Registrar of Co-operative Societies, Raichur.	Member
7.	Executive Engineer,T.R.Division,Munirabad ...	Secretary.

Non-Official Members:-

1. Shri Allam Karibasappa, President, DCC Bank Ltd.,Bellary.
2. Dr.R.Nagan Gowda, Land Lord, Hospet,
3. Shri Doddan Gowda, President, TAPCMS, Sirugappa.
4. Shri Rajashekhara Gowda, M.A., Land Lord. Kurgod.
5. Smt.Basavarajeswari, M.L.A.
6. Shri Rama Rao, President, TDB, Sindhnoor.
7. Shri A.B.Patil, President, DCC Bank, Raichur.
8. Shri Tirumaladevaraya, Anegundi Village, Gangavathi.

2. The period of sanction to the Consultative Committee will be 3 years from the date of issue of this order.

Contd.....2

3. The functions of the Committee will be as laid down in the relevant provisions of the Mysore Irrigation Act 1965 and the Mysore Irrigation Rules 1965.

4. Travelling Allowance and Daily Allowance to the non-official members of the Committee will be regulated as per list 'B' under Annexure "A" to the Mysore Civil Services Rules.

5. The T.A. Claims of the non-official members of the Committee shall be countersigned by the Secretary of the Committee.

6. The expenditure connected with the Committee will be debited to the Maintenance grant of the Tungabhadra Project Left Bank, under 43 I.N.E.D.

This Order issues with the concurrence of the Finance Department vide their U.O.No.FD 337/Int dated 20th July, 1967.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE.

(S.K.Mohan)
Under Secretary to Government,
Public Works Department(T).
20/7/67

To :-

1. The Divisional Commissioner & Ex-Officio Administrator, Tungabhadra Project, Gulbarga.
2. The Chief Engineer, Irrigation Projects, Bangalore.
3. The Accountant General, Mysore, Bangalore.
4. The Director of Agriculture in Mysore, Bangalore.
5. The Registrar of Co-operative Societies in Mysore, Bangalore.
6. The Deputy Commissioner, Raichur District, Raichur.
7. The Deputy Commissioner, Bellary District, Bellary.
8. The Superintending Engineer, T.P.C.Munirabad.
9. The Superintending Engineer, T.C.C. Yermarus.
10. The Joint Director of Agriculture, Raichur.
11. The Joint Registrar of Co-operative Societies, Raichur.
12. The Executive Engineer, T.R.Division, Munirabad.
13. With 12 copies of the order for being got delivered to the non-official Members of the Committee.
14. Shri Allam Karibasappa, President, D.C.C.Bank Ltd.,Bellary.
15. Shri Doddan Gowda, President, TAPCMS, Siruguppa.
16. Dr.R.Nagan Gowda, Land Lord, Mospet.
17. Shri Rajashekhara Gowda, M.A., Land Lord, Kurgod.
18. Smt.Basavarajeswari, M.L.A.
19. Shri Rama Rao, President, TDB, Sindhnoor.
20. Shri A.B.Patil, President, DCC Bank, Raichur.
21. Shri Tirumaladevaraya, Anegundi Village Gangavathi.

Copy to:-

The Finance Department(Budget)
The Weekly Gazette.

R.S.Kumar

R. & I. SECTION
P. W. & E. D.
No. 22347
Date 11 JUN 1968

F.No. 10 GOVERNMENT OF MYSORE

gram
Tele-
phone

OFFICE OF THE
Divisional Commissioner &
Administrator TBP Gulbarga.

No. TBP DEV 4503-A/67-68
Encls.

Date 28th May, 1968.

To

The Secretary to Government of Mysore,
P.W.D., Vidhana Soudha,
BANGALORE.

Sir,

Sub: The Mysore Irrigation Act 1965 -
Penalty for unauthorised Irrigation-
Misuse of water and wastage of water.

C.F. Kindly refer to your letter No.PWD 7 LBW 65 dated 18.1.1968. I request you to intimate whether the proposed amendment to section 64(1) of the Act and other rules of the Mysore Irrigation Act 1965 have been finalised and if so it may kindly be informed whether they have been published in the Official Gazette.

I request the favour of early compliance in the matter.

Yours faithfully,

for Divisional Commissioner,
Gulbarga.

VG/-*

(55)

Government of Mysore

No.PWD 6 LBW 66 (Part -II)-2. Mysore Government Secretariat, "Vidhana Soudha" Bangalore, dated April 2, 1968.

N_o_t_i_f_i_c_a_t_i_o_n

In exercise of the powers conferred by section 71 of the Mysore Irrigation Act, 1965 (Mysore Act 16 of 1965), the Government of Mysore hereby makes the following rules, the draft of the same having been previously published, as required by sub-section (1) of the said section in Notification No.PWD 6 LBW 66 (Part-II), dated 19th February, 1968 as G.S.R. 52 in part IV-2C(1-3) of the Mysore Gazette dated 22-2-1968.- namely.-

1. Title and commencement.- (1) These rules may be called the Mysore Irrigation (Amendment)Rules, 1968

(2) They shall come into force at once.

2. Insertion of new rule 17A.- After rule 17 of the Mysore Irrigation Rules, 1965, the following rule shall be inserted, namely.-

"17A. Prescribed Officer for the purposes of sub-section (5) of Section 28:- The prescribed Officer for purposes of sub-section (5) of Section 28 shall be the Assistant Commissioner of the concerned Revenue Sub-Division".

By order and in the name of the Governor of Mysore,

M Channappa 2/4/68

(M.CHANNAPPA)
DEPUTY SECRETARY TO GOVERNMENT
PUBLIC WORKS & ELECTRICITY DEPARTMENT

To.-1) The Compiler, Mysore Gazette for publication in the next issue of the Gazette;
2) All the Divisional Commissioners,
3) All the ChiefEngineers (Irrigations zones).
4) All the Superintending Engineers (Irrigation Circle)
5) All the Executive Engineers (Irrigation side),
6) All the Deputy Commissioners,

Copy to.- 1) Revenue Department.
2) Weekly Gazette.
3) S.G.File.

Chand;

2. Insertion of new rule 23-A. In the Mysore Irrigation Rules, 1965, after rule 23, the following rule shall be inserted, namely:-

"23-A Charges recoverable under section 64.- The charges recoverable by the Irrigation Officer under sub-section (1) of section 64, shall be twenty times the water rate which would have been payable if the water had been used with due permission."

K. N. GUNDAPPA,
Asst. Draftsman & Ex-Officio Under Secy., Law Department.

56

DRAFT FOR APPROVAL

N O T I F I C A T I O N

The draft of the following rules to amend the Mysore Irrigation Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by section 71 of the Mysore Irrigation Act, 1965 (Mysore Act 16 of 1965) is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the ~~.....~~ (15.11.1968) 10.12.1968 ~~1968~~.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government ~~if~~ Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Works and Electricity Dept., Vidhana Soudha, Bangalore.1.

1. Title and Commencement:- ~~(1)~~ (1) These rules may br called the Mysore Irrigation (Amendment), Rules 1968.

(2) ~~(11)~~ They shall come into force at once.

2. Insertion of new rule 23-A:- ~~After Rule 23 of~~ After rule 23, the Mysore Irrigation Rules, 1965, the following rule shall be inserted, ~~viz.,~~ namely:-

"23-A. The Irrigation Officer (Superintending Engineer for Major Irrigation Works and Executive Engineer for Irrigation Works other than major irrigation works), in addition to the usual rates, shall charge and order for the recovery at ~~the rates not being less than ten times and not exceeding thirty~~ twenty times the rates for purposes of clause 1 of Section 54 of the Act."

By Order and in the name of the Governor of Mysore,

14/10/68

By Secretary to Govt.,
P.W.&E.Dept.

To

Compiler, Mysore Gazette,
for publication in the next issue of the Gazette.

K. N. GURU
Asst. Draftsman & Ex-Officio
Under Secy., Law Department.

App. F. VI, G. 10

GOVERNMENT OF MYSORE

MYSORE GOVERNMENT SECRETARIAT

Mysore Irrigation (Amendment) Rules, 1968.

Issues ..... making provision for levy of penal water rates for unauthorised use of water.

G.O. No. **PWD 7 LBW 65 (Part II)** DATED **4th November 1968.**

May this be—

(i) printed ? ... ... **Yes.**

(ii) treated as a standing order ? ... -

(iii) published in the Gazette, English Part ? ... **Yes.**

(iv) translated ? ... ... -

(v) placed at the disposal of the press ? ... -

(vi) published in the Gazette, Kannada Part ? .. -

To

The Compiler, Mysore Gazette for publication in the next issue of the Mysore Gazette and supply of 75 (300) spare copies to this section.

Section Officer,
Public Works &Electricity Dept.
(Special Irrigation).

GOVERNMENT OF MYSORE

No.PWD 7 LBW 65 (Part II)

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated ~~31st October~~ 4-11, 1968.

N O T I F I C A T I O N.

The draft of the following rules to amend the Mysore Irrigation Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by section 71 of the Mysore Irrigation Act, 1965 (Mysore Act 13 of 1965) is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 10-12-1968.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Works and Electricity Department, Vidhana Soudha, Bangalore-1.

1. Title and Commencement:- (1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1968.
(2) They shall come into force at once.

2. Insertion of new rule 23-A. In the Mysore Irrigation Rules, 1965, after rule 23, the following rule shall be inserted namely:-

" 23-A Charges recoverable under section 64:- The charges recoverable by the Irrigation officer under Sub-Section (1) of section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission".

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF MYSORE.

M Channappa

(M. CHANNAPPA)
DEPUTY SECRETARY TO GOVERNMENT,
PUBLIC WORKS & ELECTRICITY DEPARTMENT.

ISSUED
Dated 4.11.68

To:

Compiler, Mysore Gazette, for publication in the next issue of the Gazette.

All the Divisional Commissioners.

All the Chief Engineers (Irrigation Zones).

All the Superintending Engineer, (Irrigation Circles).

All the Executive Engineers (Irrigation Divisions)

All the Deputy Commissioners.

Copy to:-
the Revenue Department.

the S.G.File.

Prabhu/301068.

Spare

GOVERNMENT OF MYSORE

No.PWD 7 LBW 65 (Part-II)

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated ~~31st October~~ 4-11, 1968.

N O T I F I C A T I O N.

The draft of the following rules to amend the Mysore Irrigation Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by section 71 of the Mysore Irrigation Act, 1965 (Mysore Act 15 of 1965) is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 10-12-1968.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Works and Electricity Department, Vidhana Soudha, Bangalore-1.

1. Title and Commencement:- (1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1968.
(2) They shall come into force at once.

2. Insertion of new rule 23-A. In the Mysore Irrigation Rules, 1965, after rule 23, the following rule shall be inserted namely:-

" 23-A Charges recoverable under section 64:- The charges recoverable by the Irrigation officer under Sub-Section (1) of section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission".

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF MYSORE.

M Channappa.

(M. CHANNAPPA)
DEPUTY SECRETARY TO GOVERNMENT,
PUBLIC WORKS & ELECTRICITY DEPARTMENT.

To:

Compiler, Mysore Gazette, for publication in the next issue of the Gazette.

All the Divisional Commissioners.

All the Chief Engineers (Irrigation Zones).

All the Superintending Engineer, (Irrigation Circles).

All the Executive Engineers (Irrigation Divisions)

All the Deputy Commissioners.

Copy to:- the Revenue Department.

the S.G.File.

Prabhu/301068.

60.

Mohmed Rahmathulla.,
Divisional Commissioner &
Administrator, Tungabhadra
Project, Gulbarga.

GULBARGA, (R.S.),
Dated 28th Octo. *196*8

D. O. No. TBP DEV 4503-A/67-68

Dear Shri Venkat Ramu.,

Sub: Mysore Irrigation Act 1965 - Penalty for unauthorised Irrigation - Misuse of water and wastage water.

***

Kindly refer to D.O. letter No:TBP/DEV/4503-A/67-68 dated 11-9-1968 of my predeccessor.

Amendments to the Mysore Irrigation Act 1965 penalising for the voilation of localisation pattern are not received so far. Kindly intimate the stage of the matter.

Yours sincerely,

Shri Venkat Ramu.,
Secretary to Govt.,
Public Works Department,
Vidhana Soudha,
BANGALORE.

SECRETARY TO GOVERNMENT
No. 209
Dt. 2 NOV 1968
PUBLIC WORKS & ELEC. DEPT.

Appendix F. G.—1]

SUBJECT Mysore Irrigation Act 1965 — Penalty for unauthorised Irrigation — Misuse of water e.g.

Diary No. of letter replied to.....

Mysore Government Secretariat.

( )

the 196.

Date of Issue.....

Signed by.....

List of enclosures.....

Copied by.....

Examined by.....

Section

File No.

Serial No.

N.

To

The Dist. Forest
Officer, Gulbarga Dt. Gulbarga

Sir,

I am directed to refer to
your D.O. Letter No. TBP DEV 4503-A/
67-68 Dt. 28/30.x.1968 addressed
to the Joint Secretary to Govt. P.W.D.
Dept. on the above subject and to
state. That amendments to the
Mysore Irrigation Rules to enable
enable the Govt. to levy penalty
money Suri — Gaig the Irrigation Act.
for using water unauthorisedly
have been finalised and published
in the Mysore Gazette Copies
objections, suggestions to the proposed
amendments —

A Copy of the notification No.
PWD 7 LAW 65 (part-I) dt. 4.11.1968

WD 01116—GPB—4,00,000—7-8-63

[illegible]

[illegible] herewith for reference.

In this connection, I am [illegible] that necessary amendments to Section 32 of the Mysore Irrigation Act 1965 enabling Govt to levy penalty for having any unauthorised crops [illegible] irrigation [illegible] approved. [illegible] the Brig has been invited & the president of India in his discretion absent.

The publication of the Bill would be made as soon as possible.

Y. D

[illegible]

GOVERNMENT OF MYSORE

No.PWD 7 LBW 65 (Part-II)

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 31st October, 1968
4-11-

N O T I F I C A T I O N.

The draft of the following rules to amend the Mysore Irrigation Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by section 71 of the Mysore Irrigation Act, 1965 (Mysore Act 13 of 1965) is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 10-12-1968.

Any objection or suggestion which may be received from any person with respect to the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Secretary to Government of Mysore, Public Works and Electricity Department, Vidhana Soudha, Bangalore-1.

1. Title and Commencement:- (1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1968.
(2) They shall come into force at once.

2. Insertion of new rule 23-A. In the Mysore Irrigation Rules, 1965, after rule 23, the following rule shall be inserted namely:-

" 23-A Charges recoverable under section 64:- The charges recoverable by the Irrigation Officer under Sub-Section (1) of section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission"

BY ORDER AND IN THE NAME OF THE
GOVERNOR OF MYSORE.

M Channappa

(M. CHANNAPPA)
DEPUTY SECRETARY TO GOVERNMENT,
PUBLIC WORKS & ELECTRICITY DEPARTMENT.

To:

Compiler, Mysore Gazette, for publication in the next issue of the Gazette.

All the Divisional Commissioners.

All the Chief Engineers (Irrigation Zones).

All the Superintending Engineer, (Irrigation Circles).

All the Executive Engineers (Irrigation Divisions)

All the Deputy Commissioners.

Copy to:-
the Revenue Department.

the S.G.File.

Prabhu/301068.

(64)

PWD 7 LBW 68

22 Nov. 8

The
Public Works & Elec. Deptt., Bangalore.

The Divisional Commissioner,
Gulbarga Division,
Gulbarga.

Sir,

Subject:-Mysore Irrigation Act 1965 - penalty for unauthorised Irrigation - Mis-use of water etc.

I am directed to refer to your D.O.letter No.TBP DEV 4503-A/67-68 dated 28/30-10-1968 addressed to the Joint Secretary to Government, Public Works & Electricity Department, on the above subject and to state that amendments to the Mysore Irrigation Rules so as to enable the Government to levy the penalty under section 64 of the Irrigation Act for using water unauthorisedly have been finalised and also published in the Mysore Gazette calling objections/suggestions to the proposed amendments-

A copy of the Notification No.PWD 7 LBW 65 (Part II) dated 4-11-1968 issued in this behalf is enclosed herewith for reference.

In this connection, I am to add that necessary amendments to section 32 of the Mysore Irrigation Act 1965 enabling Government to levy penalty for growing any unauthorised Crops have also been proposed and approved. The Bill has been submitted to the president of India for his gracious assent.

The publication of the bill into an Act may be awaited.

Yours faithfully,

(S.K.Mohan)
Under Secretary to Government,
Public Works & Electricity Department.

BKN raju.

PUBLIC WORKS AND ELECTRICITY SECRETARIAT.

NOTIFICATION.

Bangalore, dated 4th November 1968.

G. S. R. 380.—The draft of the following rules to amend the Mysore Irrigation Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by Section 71 of the Mysore Irrigation Act, 1965 (Mysore Act 16 of 1965), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 10th December 1968.

Any objection or suggestion which may be received from any person with respect of the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections or Suggestions may be addressed to the Secretary to Government of Mysore, Public Works and Electricity Department, Vidhana Soudha, Bangalore-1

1. **Title and Commencement.**—(1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1968.

(2) They shall come into force at once.

2. **Insertion of new rule 23-A.**—In the Mysore Irrigation Rules, 1965, after rule 23, the following rule shall be inserted namely :—

"**23-A Charges recoverable under section 64**:—The charges recoverable by the Irrigation Officer under sub section (1) of Section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission".

[No. PWD 7 LBW 65 Part (ii).]

By Order and in the name of the Governor of Mysore,

M. CHANNAPPA,
Deputy Secretary to Government,
Public Works and Electricity
Department.

270

Printed by the Director of Printing, Stg. & Publications at the Govt. Press, B'lore.

22-11-68

PUBLIC WORKS AND ELECTRICITY SECRETARIAT.

NOTIFICATION.

Bangalore, dated 4th November 1968.

G. S. R. 380.—The draft of the following rules to amend the Mysore Irrigation Rules, 1965 which the Government of Mysore proposes to make in exercise of the powers conferred by Section 71 of the Mysore Irrigation Act, 1965 (Mysore Act 16 of 1965), is hereby published as required by sub-section (1) of the said section for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the 10th December 1968.

Any objection or suggestion which may be received from any person with respect of the aforesaid draft rules by the State Government before the date specified above will be considered by the Government. Objections or Suggestions may be addressed to the Secretary to Government of Mysore, Public Works and Electricity Department, Vidhana Soudha, Bangalore-1

1. Title and Commencement.—(1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1968.

(2) They shall come into force at once.

2. Insertion of new rule 23-A.—In the Mysore Irrigation Rules, 1965, after rule 23, the following rule shall be inserted namely :—

"**23-A Charges recoverable under section 64** :—The charges recoverable by the Irrigation Officer under sub section (1) of Section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission".

[No. PWD 7 LBW 65 Part (ii).]

By Order and in the name of the Governor of Mysore,

M. CHANNAPPA,
Deputy Secretary to Government,
Public Works and Electricity Department.

Printed by the Director of Printing, Sty. & Publications at the Govt. Press, B'lore.

22-11-68

IRR.143 C-7780/68-69. Office of the Divisional Commissioner,
Encl: one only Mysore Division,
Mysore, dated 2nd December, 1968.

To

The Secretary to the Government of Mysore,
Public Works Department, P.B. No. 346,
Bangalore.

Sir,

Sub: Mysore Irrigation Act 1965 - prescribing the scale of charges to be levied under Section 64(1) of the Act - issue of draft Mysore Irrigation (Amendment) Rules, 1968.

Ref: This office letter No. IRR 125 C-8654/67-68, dated 16-12-1967, addressed to the Deputy Secretary to Government, PW Department (Irrigation) Bangalore. P.416 C.F.

2. Government Notification No. PWD 7 LBW 65 (Part II) dated 4-11-1968. P.592 C.F.

==

With reference to the Government Notification cited second on the subject, I write to state that the remarks of this office have been sent in this office letter cited first in reply to Government letter No.PWD 7 LBW 67, Part II dated 7th December, 1967, a copy of which is enclosed.

Yours faithfully,

for Divisional Commissioner.

r-cs.
Encl:

55202

Irrgn).
3946 Date 6/12/68

Copy of demi-official letter No. IRR 125 C-8654/67-68, dated 16th December, 1967, from the Divisional Commissioner, Mysore Division, to the Deputy Secretary to the Government of Mysore (P.W.Department) (Irrigation), Bangalore.

==

Sub: Mysore Irrigation Act 1965 - clarification on certain provisions of the Act - prescribing the scale of charges to be levied under Section 64(1) of the Act.

==

Please refer to your demi-official letter No. PWD 7 LBW 67, dated 7th December, 1967, on the subject cited Pt. II

Section 64(1) of the Mysore Irrigation Act, 1965, deals with the fixing up of liability on certain persons, When the exact person by whose act or neglect the unauthorised use of water supplied through a feeder channel has been effected cannot be found. It is provided under Section 64(1) that after such enquiry as the Irrigation Officer may deem sufficient, he after giving not less than one month's notice to the holders and occupiers of all lands benefited thereby and after hearing their representations, make an order for the recovery of such charges as may be prescribed for the use of water (in the unauthorised manner) from such landholders and occupiers in sich proportion as he may find just. Section 28(5) lays down the penalty which is leviable on any person using water from an irrigation work without obtaining the permission required under Section 28. It is laid down there that in addition to any penalty under the Act for the unauthorised use of water by any person, he shall be liable to pay water rate at such rate not being less than 10 times and not exceeding 30 times the rate would otherwise be required to pay had he applied for and obtained permission. The exact penal water rate that may be levied is thus left to the discretion of the prescribed authority - the range being not less than 10 times and not exceeding 30 times the rate that would have been normally payable.

In regard to the penalty rate leviable under Section 64(1), Section contemplates that the charges should be prescribed. It is suggested that the charge may be 10 times the water rate that would have been normally payable. The Irrigation Officer will have the discretion after due enquiry to determine the holders and occupiers who shall be liable for the penalty. This rate of 10 times is suggested on the analogy of the provision in Section 28. The water-rate in this case may even be fixed a little lower - at (say) 5 times the normal rate, if Government so deem fit.

==

for Divisional Commissioner,
Mysore Division.

r-cs.

7 LBN 65 69)

V.B.BADAMI,
GAZETTED ASSISTANT TO THE
DIVISIONAL COMMISSIONER,
GULBARGA.

GULBARGA

Dated 6-12-1968

D.O. No. TBP.DEV.4503-A/67-68

Dear Shri/~~Sir~~, Mohan,

Subject :— Mysore Irrigation Act 1965 - Penalty for unauthorised irrigation - misuse of water and wastage of water -

Please refer to this office letter of even number dated 30-10-68 through which you were requested to send the required report immediately, which is still awaited from you.

I shall be highly obliged, if you look into the matter personally and see that the reply is sent without further delay.

Please treat this as *Most Urgent.*

Yours Sincerely,

Shri S.K.Mohan,
Under Secretary to Government,
Public Works Deparment,
BANGALORE.

WD 731—GBPG—100 pads of 100 shts. each—9-9-68.

PWD (Spl. Irrgn).
No3979 Date 9/12/68.

Appendix F. G.—1]

(71

SUBJECT ... Mysore Irrigation Act 1965 — penalty for unauthorised Irrigation — misuse of water

Diary No. of letter replied to.....

Section

File No.

Serial No.

Mysore Government Secretariat.

( )

the 196.

N.

To

Date of Issue.....

Signed by.....

Dear Sir,

I am desired to refer to your D.O. letter no. IAP/DEV/45'03-A/67-68 dt. 6.12.68 on the above subject and to state that necessary enquiries on the points raised in this letter have been instituted in this Dept. Letter no. PWD 7 CSW 68 (part-II) dt. 22.11.68, a copy of which is enclosed herewith for your information.

Y.S.

(C.M.S.C.)

To

Sri V.S. Badami

Gazetted Asst. to the Div. Commr.

Gulbarga Dn

Gulbarga.

P. 6/12/68

List of enclosures.....

Copied by.....

Examined by.....

WD 012116—GPB—4,00,000—7-3-63

(11)

Office of the Divisional Commissioner
No.D.Dis.NO·IRR.II.47.C.5251 Bangalore Division,
of 68-69. Bangalore, Dated 6th December 68

To

The Secretary to Government,
Public Works and Electiricity Department,
Vidhana Soudha, Bangalore-1.

R & I SECTION
P.W.& E. Dir,
No.....
Date 9/959...
Section Spl Grade

Sub: Draft Mysore Irrigation (Amendment)Rules, 1968
Furnishing of objections and suggestions etc.
regarding.

—

Ref: Govt. Notification No.PWD.7 LBW 65 (Part II) Dated
4-11-1968.

—

983 10/12/68 There are no suggestions to make in respect of the proposed amendment to the Mysore Irrigation Rules, 1965. The same may be given effect to.

Yours faithfully,

Draft approved by the
Divisional Commissioner,

For Divisional Commissioner,
Bangalore Division.

, M. G. S. | Subject: | File No.

WD 01050—GPB—8,00,000 13-12-(

This will be put up after receipt of the main file which is under issue.

19/12

The pri may be put up along with this receipt.

19.12

Government of Mysore.

No.EC.PR.240 /68-69.

Office of the Tahsildar,
Nagamangala Taluk,
Dated:26th December.1968.

To

The Secretary to Govt.of Mysore,
Public works and Electricity Dept.,
Vidhana Soudha, Bangalore-1.

Sir,

Sub:- Notification No.PWD 7 LSW 68 (part II)
dated 4.11.68 from the Deputy Secretary
to Govt.PWD and Electricity Dept., Vol!
Mysore Irrigation Amendment Rules 1968.

I write to state that the above notification issued from t the Deputy Secretary to Government PWD and Electricity Dept., has been published and no objection and suggestion has been received.

Yours faithfully,

Tahsildar,
Nagamangala Taluk,
Nagamangala.

L.&B.SECTION
P.W.& E.D.
No.
Date 28 DEC 1968
Section Spl.

PWD (Spl. Irrgn).
No 4221 dt 30/12

The main file has been submitted to O/S on 26.12.68 & receipt thereof. This will be put up after receipt of the main file

Encs:

(72

DRAFT NOTIFICATION

In exercise of the powers conferred by section 71 of the Mysore Irrigation Act, 1965(Mysore Act No 16 of 1965) the Government of Mysore hereby makes the following rules, the draft of the same having been previously published as required by sub-section (1) of said section in Notification No.PWD 7 LBW 65 (Part II) dated 4th November 1968 as G.S.R. 380 in Part IV-C of the Mysore Gazette dated 28-11-1968 namely.-

1. Title and Commencement.- (1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1968

(2) They shall come into force at once.

2. Insertion of new rule 23-A.- In the Mysore Irrigation Rules, 1965, after rule 23, the following rule shall be inserted, namely.-

"23-A Charges recoverable under section 64:- The charges recoverable by the Irrigation Officer under sub-section (1) of Section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission."

BY ORDER AND IN THE NAME OF GOVERNOR OF MYSORE

Deputy Secretary to Govt.
Public Works Dept.(Irrgn).

To

The compiler Mysore Gazette, for publication in the next issue of the Gazette.

D R A F T.

D O. No. PWD 7 LBW Part II.

Dear Sir,

Subject:- Mysore Irrigation Act, 1965 - prescribing the scale of charges to be levied under section 64 (1) of the Act - Issue of draft Mysore Irrigation (Amendment) Rules, 1968. --Republication of draft rules.

I am desired to state that the draft rules called ' The Mysore Irrigation (Amendment) Rules, 1968' which were issued under Govt. Notification No. PWD 7 LBW 65 (part II) dated 4-11-1968, inviting objections/suggestions to the proposed draft rules from the persons affected before 10-12-1968, ~~was~~ sent to you on 4-11-68 -- under Press docket for favour of publication in the next issue of the gazette. But it is seen that the draft rules have ~~xxxxx~~ actually published in the Mysore gazette dated 21-11-1968 under G.S.R. 380, leaving hardly 18 days time for prefering objections.

It is held by the Law Dept that no reasonable time was given to the affected persons to file their objections and that a reasonable period of atleast one month have to be allowed for sending objections, and that the time now allowed is very short.

In view of the above, I ~~am to~~ request you kindly to publish the draft rules ~~again~~ in the next issue of the gazette without fail, to enable concerned persons to file their objections within the prescribed time.

Yours sincerely,

9/1/69

To

Sri. Shree Rama, Ms.c.,
Director of Printing and
Stationary, Bangalore.

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App. F. VI, G. 10

GOVERNMENT OF MYSORE

MYSORE GOVERNMENT SECRETARIAT

Mysore Irrigation(Amendment) Rules, 1969.

Issues ..... making provision for levy of penal water rates for unauthorised use of water.

G.O. No. **PWD 7 LBW 65 - Part II** DATED **4th March, 1969.**

May this be—

(i) printed ?	....	**Yes.**
(ii) treated as a standing order ?	....	-
(iii) published in the Gazette, English Part ?	....	**Yes.**
(iv) translated ?	... .	-
(v) placed at the disposal of the press ?	....	-
(vi) published in the Gazette, Kannada Part ?	....	-

To

The Compiler, Mysore Gazette for publication in the next issue of the Mysore Gazette and supply of 300 spare copies to this section.

Dated..6.3.69

Section Officer,
Public Works & Electricity Department.

74

M. Channappa, B.E., A.M.I.E.,
Deputy Secretary to Government,
P.W.D. (Irrigation).

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated, 9th January 1969.

D.O.NO.PWD 7 LBW 65 (Part-II)
Encl. one

Dear Sir,

Subject:- Mysore Irrigation Act, 1965 - Prescribing the scale of charges to be levied under Section 64 (1) of the Act - Issue of Draft Mysore Irrigation (Amendment) Rules, 1968 - - Republication of draft rules.

I am desired to state that the draft rules called 'The MysoreIrrigation (Amendment) Rules, 1968' which were issued under Government Notification No.PWD 7 LBW 65 (Part-II) dated 4-11-1968, inviting objections/suggestions to the proposed draft rules from the persons affected before 10-12-1968, were sent to you on 4-11-1968 under Press docket for favour of publication in the next issue of the Gazette. But it is seen that the draft rules have been actually published in the Mysore Gazette dated 21-11-1968 under G.S.R. 380, leaving hardly 18 days time for preferring objections.

It is held by the Law Department that no reasonable time was given to the affected persons to file their objections to the proposed draft rules and that a reasonable period of atleast one month have to be given for sending objections, and that the time now allowed is very short that the rules may be published again.

In view of the above, I request you kindly to publish the draft rules again, in the next issue of the Gazette without fail, to enable concerned persons to file their objections within the prescribed time. A copy of the draft rules is enclosed herewith.

Yours sincerely,

9/1/69

9.1.69

Shri M.S. Sri Rama M.Sc.,
Director of Printing, Stationery
and Publication, Bangalore.

Do for disposal & so
cn
Press
9/1/69

75

DRAFT NOTIFICATION

In exercise of the powers conferred by Section 71 of the Mysore Irrigation Act, 1965 (Mysore Act No.16 of 1965), the Government of Mysore hereby makes the following rules further to amend the Mysore Irrigation Rules, 1965, the draft of the said rules having been previously published as required by sub-section (1) of the said Section in Notification No.PWD 7 LBW 65 (Part-II) dated 4-11-1968 as G.S.R. 32 dated the 4th November 1968 in Part-IV - Section 2-C(i) of the Mysore Gazette dated the ~~2nd November 1968~~ 16th January 1969, and the same having again published in the Mysore Gazette dated the 16th January 1969 - Vide Page 46 - Part-IV Section 1-A of the Gazette, namely:-

1. Title and Commencement:- (1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1969.

(2) They shall come into force at once.

2. Insertion of new rule 23-A:- In the Mysore Irrigation Rules, 1965, after rule 23, the following rule shall be inserted, namely:-

"23-A Charges recoverable under section 64:-

The charges recoverable by the Irrigation Officer under sub-section (1) of section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission".

BY ORDER AND IN THE NAME OF THE GOVERNOR OF MYSORE

25/2/69

Deputy Secretary to Govt.,
P.W.D. (Irrigation).

26/2/69

C. M. GUNDANNA,
Asst. Draftsman to Govt. of Mysore
Water Secy., Comp. Committee.

To

The Compiler, Mysore Gazette, for publication in the next issue of the Gazette and for supply of 300 copies of this Notification to this Secretariat.

GOVERNMENT OF MYSORE

Mysore Government Secretariat,
Vidhana Soudha,
No.PWD 7 LBW 65-Part II. Bangalore, Dated: 6 March 69.

N O T I F I C A T I O N

In exercise of the powers conferred by section 71 of the Mysore Irrigation Act, 1965 (Mysore Act of 1965), the Government of Mysore hereby makes the following rules further to amend the Mysore Irrigation Rules, 1965, the draft of the said rules having been previously published as required by sub-section (1) of the said section in Notification No. PWD 7 LBW 65, (Part-II) dated 4-11-1968 as G.S.R. 22 dated the 4th November 1968 in part IV-Section 2-C (i) of the Mysore Gazette dated the 16th January 1969. /16

1. Title and Commencement:- (1) These rules may be called the Mysore Irrigation (Amendment) Rules, 1969.

(2) They shall come into force at once.

2. Insertion of new rule 23-A:- In the Mysore Irrigation Rules 1965, after rule 23, the following rule shall be inserted namely:-

"23-A Charges recoverable under section 64:- The Charges recoverable by the Irrigation Officer under sub-section (1) of Section 64 shall be twenty times the water rate which would have been payable if the water had been used with due permission".

By Order and in the name of the
Governor of Mysore,

M Channappa 4/3/69

(M.CHANNAPPA),
Deputy Secretary to Government,
Public Works & Elecy. Department.

Issued
Dated 6.3.69

To

1. The Compiler, Mysore Gazette, for publication in the next issue of the Gazette and for supply of 300 copies of this Notification to this Secretariat.

All the Divisional Commissioners.
All the Chief Engineers (Irrigation Zones).
All the Superintending Engineers (Irrigation - Circles).
All the Executive Engineers (Irrigation - Divisions.
All the Deputy Commissioners.
Copy to Revenue Department.
S.G. File.

GOVERNMENT OF MYSORE

78

S.K.Mohan
Under Secretary to Government,
Public Works Dept.(T)

Mysore Government Secretariat,
Vidhana Soudha,
Bangalore, Dated 16th April 1969.

D.O.No.PWD 7 LBW 65-Part II

Dear Sir,

Sub: Mysore Irrigation(Amendment) Rules, 1969 - making provision for levy of water rates for unauthorised use of water.

As desired by you on phone today I am enclosing herewith a copy of the final Notification No.PWD 7 LBW 65 Part II dated 4-3-69 on the above subject.

Yours sincerely,

Shri, N.G.Joshi,
Superintending Engineer, Tungabhadra
Circle Camp, Yermaras, Dist. Raichur.

ISSUED
Dated 16/4/69